

PUBLIC SAFETY CURRICULUM AND
PROFESSIONAL DEVELOPMENT PROJECT

Law Enforcement Curriculum



Prepared by Tonya Hilligoss, M.A.

In cooperation with Golden West College

**For the Chancellor's Office,
California Community Colleges
1996**

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Golden West College

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CHAPTER 1

INTRODUCTION

Law Enforcement educators have a tradition of collaborative efforts to standardize training that have produced documents such as the 1980 and 1988 reports entitled “Administration of Justice: Educational Programs for Community Colleges in California,” but they have always been frustrated by the challenge of institutionalizing the recommendations that emerged from those efforts. The need to do so once again surfaced at the Public Safety Curriculum Project’s Delphi meeting in 1992 that was attended by thirty-two law enforcement educators and practitioners from throughout California. This resulted in the funding of the Administration of Justice Curriculum Project the following year in which guidelines for substantial curriculum revision were developed. The year after that, the Public Safety Curriculum Project was responsible for the revision of one Law Enforcement class and the development of two classes that could be used in all four Public Safety disciplines. That ushered in this project which has been the catalyst for significant changes in the Law Enforcement curriculum, in the delivery of Law Enforcement coursework, and in the working relationship between California community colleges and the Commission on Peace Officer Standards and Training (POST).

All of these efforts have focused on the need to develop standardized curriculum materials along with a method of institutionalizing their use. That is being accomplished through the POST Basic Course Transition Pilot Project in which ten community college Administration of Justice programs are offering nine POST-certified courses that will serve as approved academy coursework, thereby enabling those who complete the coursework to reduce their academy commitment by approximately one-third. This is a pilot project beginning in 1996 that will be closely monitored by POST and the community colleges to determine if it should be expanded throughout the state. Meanwhile, those colleges participating will be teaching a standardized curriculum, with the exception of some differences in the application models. Although the POST-certified curriculum materials are being made available to all community colleges, only those in the POST pilot project will be able to offer POST-certified courses. Once the pilot is opened to all community colleges, colleges will be able to certify their courses whenever they conform to POST guidelines. In addition to the materials provided in this document, POST has unit guides and videotapes which they make available to certified presenters. Curriculum materials presented in this document reflect the project’s commitment to academic freedom by presenting course outlines and sample lesson plans in a wide variety of formats, representing a sampling of the many ways in which Public Safety coursework can be effectively presented. At the same time, POST Learning Domains are identified for ease of monitoring for those colleges participating in the pilot project. Within the designated course, the suggested locations for the Learning Domains can be changed by any college wishing to do so as long as they document the changes and have them approved by POST.

Chapter 2 —P.O.S.T Transition Courses

Introduction to the Administration of Justice

Prepared by: Sarah E. Goodman, Mira Costa College, Oceanside, CA

Nature and Purpose of the Course:

This course provides an overview of the history¹ and philosophy of criminal justice. The conceptual approach utilized in this course recognizes that criminal justice is itself a distinct academic discipline rather than an *interdisciplinary* course of study. That is, the knowledge base is more than merely a discrete compilation of insights drawn from scholars trained in different disciplines such as law, sociology, psychology and the like². This course is a general education course as well as the first of the AOJ core courses.

Course Objectives: (Knowledge, attitudes, and skills to be attained as a result of completing this course)

Upon successful completion of the course, a student will demonstrate the ability to:

1. trace the evolution of the administration of justice system in terms of its sub-systems and in relation to the social, political, economic, and legal institutions which define society.
2. exhibit a working knowledge of the basic vocabulary of the discipline.
3. identify the origins, structure, and functions of the current agencies involved in the administration of justice.
4. identify and compare the important theories, both historical and current, of crime causation and victimology.
5. identify and describe the general constitutional principles relevant to the administration of justice.
6. describe components of the criminal justice system in relationship to society as a whole.
7. identify basic research methodologies of the discipline.
8. recognize and apply the instructional material covered in the training specifications for Learning Domain #02: Criminal Justice System, as specified by P.O.S.T. for the Regular Basic Course.

POST Requirements Mandate That A Minimum Of Four Hours Be Spent On Material Contained In POST L.D. #2

¹ This course is presented as an introductory course on criminal justice and as such is inherently a study of the evolution of, that is the history of, criminal justice. In addition to the history presented in this course the historical aspects of a number of specific criminal justice subject areas are presented in the particular courses which focus on individual areas. For example, the history of criminal law is included in the course on the concepts of criminal law. Historical material presented in this course is meant to enhance rather than substitute for the historical material presented in other core courses.

²

See Fighting Back: Criminal Justice as an Academic Discipline by Frank Cullen of University of Cincinnati in **ACJS Today**, Jan/Feb 1995.

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- F. Basic requirements of a system
- G. Development, evolution of, and interrelationships of the major participants in the sub-systems, including the positions listed in Performance Objective 1.7.1 (ref. **Training Specification 2A.**) for **POST L.D.2**:
 - 1. Law Enforcement
 - 2. Judicial
 - 3. Corrections

III. The explanation of contemporary crime 3.5 hours minimum

- A. Sources of criminal law
 - 1. Consensus model vs. conflict model
- B. Criminology
 - 1. Theories of crime causation
 - 2. Victimology
- C. Fear of crime and how it affects the system
- D. Role of discretion in the criminal process

IV. Exploring the scope of the crime problem 4.5 hours minimum

- A. Sources of crime data
- B. Volume and rates of criminal activity
- C. Crime classification system
- D. Overview of criminal justice research methodologies⁴

V. Development and structure of law enforcement systems 3 hours minimum

- A. Early British and other models from pre-U.S. times
- B. Evolution of law enforcement in the U.S.
- C. Contemporary law enforcement systems, public-private

VI. Organization and operation of modern law enforcement agencies 4 hours minimum

- A. Federal: specifically including FBI, Postal Service, DEA, Secret Service, INS, AFT, U.S. Marshal and Military Police as listed in Performance Objective 1.8.1 (ref. **Training Specification 2A.**) for **POST L.D.2**
- B. State: specifically including CHP, DMV, CA DOJ: Division of Law Enforcement, as listed in Performance Objective 1.8.1 (ref. **Training Specification 2A.**) for **POST L.D.2**
- C. Local
- D. Other appropriate Federal, State, and Local agencies such as U.S. Coast Guard, State University/College Police, Dept. of Forestry, etc. as listed in Performance Objective 1.8.1 (ref. **Training Specification 2A.**) for **POST L.D.2**
- E. Purpose and authority of A, B, C and D
 - 1. General goals of A, B, C and D in relation to their place within the system and in conjunction with their functional responsibilities and their relationship to one another in the overall administration of justice, including those listed in Performance Objective 1.7.2 (ref. **Training Specification 2A**) and Performance Objective 1.8.1 (ref. **Training Specification 2A**) for **POST L.D. 2**: protection of life and property, prevention of crime, maintenance of order, arrest of violators, assurance of victim's rights

⁴ A suggested lesson plan for this topic is included

VII. Role expectations and innovations in law enforcement 5 hours minimum

- A. Constitutional provisions of special significance to law enforcement
 - 1. All rights guaranteed by the Bill of Rights and the 14th Amendment of the U.S. Constitution (Performance Objective 3.37.1 [ref. **Training Specification 2E**] for **POST L.D. 2**)
 - a. Effects of judicial interpretations on these rights
- B. Emphasis on order maintenance
- C. Changes in methodology

VIII. Structure and function of judicial system 6 hours minimum

- A. The Courts
 - 1. Overall goals in relation to place within the system and in conjunction with functional responsibilities, especially:
 - a. to provide due process of law
 - b. to render fair judgment
 - c. to mete out just punishment, and
 - d. to assure victims' rights (ref. Performance Objective 1.7.2 [ref. **Training Specification 2A**] for **POST L.D. 2**)
 - 2. Federal Court System-organization and jurisdiction from highest to lowest court
 - 3. California Court System -organization and jurisdiction from highest to lowest court (ref. Performance Objective 1.9.1[ref. **Training Specification 2B**] for **POST L.D. 2**)
- B. Identification and comparison of the roles of prosecuting attorney and defense attorney including the role of plea bargaining in the process (ref. Performance Objective 1.7.1 [ref. **Training Specification 2C**] **POST L.D.2**)
- C. Basic Steps in the Criminal Process from bail through appeal including filing of criminal complaint, arraignment, preliminary hearing, grand jury, trial hearing, trial, sentencing, and appeals including a discussion of various writs (Mandamus, Mandate, Certiorari, Error, Prohibition, Audita Quereia, Coram Nobis or Vobis and Probable Cause) misdemeanor and felony procedures distinguished (ref. Performance Objective 1.9.2 [ref. **Training Specification 2C**] for **POST L.D.2** [C.D.C. segment of this Performance Objective is covered under Corrections])
- D. Victim/Witness Services (ref. Performance Objective 1.7.1 [ref. **Training Specification 2A**] for **POST L.D.2**)

IX. Structure and purpose of the correctional system 3 hours minimum

- A. History of corrections
- B. Goals of the system including rehabilitation, confinement, supervision of parolees/probationers in the community and assurance of victims' rights (ref. Performance Objective 1.7.2 [ref. **Training Specification 2A**] for **POST L.D.2**)
- C. Contemporary correctional philosophy
- D. Organization of the various systems including C.D.C.(ref. Performance Objective 1.9.2 [ref. **Training Specification 2A, D**] **POST L.D.2**)

X. Probation, parole, and community corrections 1.5 hours minimum

- A. Identification and comparison of the basic elements of probation and parole (ref. Performance Objective 1.10.7 [ref. **Training Specification 2L**] for **POST L.D.2**)
- B. Community based corrections

XI. Juvenile justice 3 hours minimum

- A. History and background
- B. Contemporary system
- C. Trends and Issues in Juvenile Justice

XII. Professionalization of personnel 1.5 hours minimum

- A. History
- B. Present, including special challenges
- C. Predictions for the future

XIII. Course Review with special attention to Performance Objectives 1.7.1, 1.7.2, 1.8.1, 1.9.1, 1.9.2, 1.10.7 and 3.37.1 ref. POST L.D.2) 2 hours minimum⁵

Comprehensive Final Examination

Suggested College Level Critical Thinking Tasks/Assignments

1. Analyze the impact of crime on the social structure of the community through the study of a certified college level text and the reading of case studies.
2. Oral in-class presentations requiring deductive analysis of material from text, cases and current events.
3. Introduce and clarify at the conceptual level key terms and ideas applied in the criminal justice system through review of cases and supplemental materials.
4. Acknowledge the similarities and differences in value systems and ideologies as they apply to the criminal justice function as discussed in class.
5. Review history and identify areas which show why the system has evolved as it has by researching case law as assigned by the instructor.

Required Reading, Writing, And Other Outside-of-class Assignments:

There shall be a minimum of two hours outside of class for every hour of class time.

☒ Study ☒ Answer Questions

⁵ Instructors/Professors must be able to document a minimum of 4 hours of instruction on L.D. 2: The Criminal Justice System.

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Skill Practice	<input checked="" type="checkbox"/>	Required Reading
<input checked="" type="checkbox"/> Problem Solving Activity or Exercise		
<input checked="" type="checkbox"/> Written Work		
Journal		Observation or activity related to course
Other		

Methods To Measure Student Achievement

1. Substantial writing assignments, including:
☒ essay exam(s) ☒ term or other papers
☒ written homework
2. Computational or non-computational problem-solving demonstrations, including:
☒ exams ☒ homework problems
3. Skill demonstrations, including:
☒ class performance(s)
4. Objective examinations, including:
☒ Multiple choice ☒ true false ☒ matching items

Text And Supplemental Materials: College Level

References⁶:

- Abadinsky, Howard and L.Thomas Winfree, Jr. *Crime and Justice*, 2nd. ed. Chicago, IL: Nelson-Hall, Inc, 1992.
- Adler, Freda, Gerhard Mueller, and William Laufer. *Criminal Justice*. McGraw Hill, Inc., 1994.
- Adler, Freda, Gerhard Mueller, and William Laufer. *Criminal Justice: The Core*. McGraw Hill Companies, Inc., 1996.
- Anderson, Patrick and Donald Newman. *Introduction to Criminal Justice*, 5th. ed. McGraw Hill, Inc., 1993.
- Bohm, Robert M. and Keith N.Haley. *Introduction to Criminal Justice*. Westerville, OH: Glencoe/McGraw Hill, 1997.
- Champion, Dean J. *Research Methods for Criminal Justice and Criminology*. Englewood Cliffs, NJ: Regents/Prentice Hall, 1993.
- Cole, George F. and Christopher E. Smith. *Criminal Justice in America*. Belmont, CA: Wadsworth Publishing Company, 1996.
- Hancock, Barry W. and Paul M. Sharp. *Criminal Justice in America: theory, practice, and policy*. Upper Saddle River, NJ: Prentice Hall, Inc., 1996.

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Inciardi, James A. *Criminal Justice*, 5th. ed. Orlando, FL: Harcourt Brace and Company, 1996.

Pursley, Robert D. *Introduction to Criminal Justice*, 5th. ed. New York, NY: Macmillan Publishing Company, 1991.

Regoli, Robert M. and John D. Hewitt. *Criminal Justice*. Upper Saddle River, NJ: Prentice Hall, Inc., 1996.

Reid, Sue Titus. *Criminal Justice*, 4th. ed. Dubuque, IA: Brown and Benchmark Publishers, 1996.

Roberson, Cliff. *Introduction to Criminal Justice*. Placerville, CA: Copperhouse Publishing Company, 1994.

Samaha, Joel. *Criminal Justice*, 3rd. ed. St. Paul, MN: West Publishing Company, 1994.

Smallinger, Frank. *Criminal Justice Today*, 4th.ed. Upper Saddle River, NJ: Prentice Hall, Inc., 1996.

Senna, Joseph and Larry Siegel. *Introduction to Criminal Justice*, 7th. ed. St. Paul, MN: West Publishing Company, 1996.

Taylor, Ralph B. *Research Methods in Criminal Justice*. McGraw-Hill, Inc., 1994.

⁶ With the exception of the Champion and Taylor books, which are useful primarily in teaching the basics of scientific research in the field, these texts were referenced because they present the material using a systems approach, clearly explaining the relationships of the various sub-systems to each other and to the overall social system. They also offer a historical perspective on the subjects covered. There are many other fine texts available. This list is not meant to be all-inclusive.

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INDEX TO POST PERFORMANCE OBJECTIVES FOR L.D. 2⁷

1.7.1: Officials of the Criminal Justice System	II. G. Development, evolution of, and major participants in the sub-systems VIII. B. Prosecutor and defense attorney VIII. D. Victim/Witness Services XIII. Course review with special attention to 1.7.1
1.7.2: Major Goals of the Criminal Justice System	II. E. Major Goals of the Criminal Justice System VI. E Goals specific to law enforcement agencies VIII. A. 1. Goals specific to the Judicial System IX. B. Goals specific to the Correctional System XIII. Course review with special attention to 1.7.2
1.8.1: Federal, State, Local Agency Functions	VI. A., B., C., D., E. Federal, State, Local Agencies and their purpose and authority XIII. Course review with special attention to 1.8.1
1.9.1: Responsibility of California Courts	VIII. A. 3. California Court System: Organization and jurisdiction from highest to lowest courts XIII. Course review with special attention to 1.9.1
1.9.2: Definition of Judicial Terms	VIII.C. Basic steps in the criminal process from bail through appeal IX. D. Organization: correctional, including C.D.C. XIII. Course review with special attention to 1.9.2
1.10.7: Similarities and Differences of Parole and Probation	X. A. Identification and comparison of the basic elements of probation and parole XIII. Course review with special attention to 1.10.7
3.37.1: Constitutional Rights	VII. A. 1. All rights guaranteed by the Bill of Rights and the 14th Amendment to the U.S. Constitution XIII. Course review with special attention to 3.37.1

⁷ This 48-54 hour course covers 4 hours of material from the POST Basic Course. By virtue of the natural organization of the course, the POST material is distributed throughout the course. This index is provided to facilitate easy location of the relevant POST materials.

Introduction to the Administration of Justice - Sample Lesson Plan

Prepared by: Sarah E. Goodman, Mira Costa College, Oceanside, CA

IV. Exploring The Scope Of The Crime Problem

D. Overview Of Criminal Justice Research Methodologies:

This lesson is critical to presenting the class as a general education course. One of the requirements for G.E. status for introductory courses in the social and behavioral science area is that they introduce students to the basic research methodology of the discipline.

The subject of research methodologies fits naturally in this part of the course since students will have just covered material on the basic sources of crime statistics, including the Uniform Crime Reports, the National Crime Survey, and self-reported crime surveys. That material will have included information about how such data is gathered and interpreted. Earlier material, for example that found in Section III: The Explanation of Contemporary Crime, could also have included information about the importance of criminal justice research. Instructors who are reluctant to assign students research-type assignments, lest they be faced with the prospect of evaluating CNN-poll-type projects as research, may find that the time spent on this lesson will reap rewards in terms of greatly improved student research.

This topic was picked for the sample lesson plan because it is not commonly found intact in introductory criminal justice texts. For the same reason, this lesson plan is presented in much greater depth and detail than would be appropriate for lesson plans covering topics which are given more attention in *Intro.* texts.

In recognition of the benefits of active learning, several suggestions are made for ways of engaging students at various points in the presentation.

Sample Lesson Plan

Upon completion of this lesson the student will be able to identify the major goals of criminal justice research, the basic stages in the research process, and the common types of research design.

An overview will start with acknowledgment that, since criminal justice is a social science, criminal justice research is an **empirical*** process consisting of several important parts. Criminal justice research consists of all activities that pertain to problem formulation and definition.

In general, social scientists direct their research towards achieving one or more of three goals or purposes: **description, understanding or explanation, and prediction.** To accomplish their purpose(s) they rely on empirical evidence, gathered and analyzed using procedures which conform to the norms accepted in the social sciences. This thinking utilizes **theory** to focus data collection and analysis, and uses the results to evaluate and generate theories.

Criminal justice research is conducted using the **scientific method** or process. Central to this process is **causation** measured in terms of relationships between **variables.** Variables which influence other variables are known as **independent variables** and those which are influenced by other variables are known as **dependent variables.** Causation is difficult to determine in criminal justice as there are so many variables in any given

* Bolded words should be considered part of the basic subject vocabulary for this lesson.

situation. Imagine, for example, the many variables in determining the causation of drug abuse. There are few instances where researchers are able to specify that a particular independent variable was the sole factor influencing a particular dependent variable. Thus, researchers rely on **correlations**, or statistical descriptions of relationships between variables.

Speaking in more technical terms, there are two contrasting approaches to a social science inquiry, or two alternative ways of constructing theory: Holmes's approach and Einstein's approach. The Holmes approach, also known as Grounded Theory Development or Substantive Theorizing, begins by taking data from a specific situation for the purpose of understanding what is going on. This approach utilizes **inductive logic** or going from the specific to the general. It is usually more concerned with understanding or explanation than with prediction. Einstein's approach, also known as Hypothesis Testing, Theory Testing, or the Hypothetico-Deductive Model starts with a general theory which might apply to a broad class of situations. Its purpose is to test a theoretically derived hypothesis to see if facts fit the prediction. This approach utilizes **deductive logic** and is usually more concerned with prediction than with understanding. In general, deductive theory is more common in social science today.

Active Learning Exercise:

This would be a logical place to divide the class into small groups or use some other method of actively engaging the students to see if they are grasping the material. Students could be required to decide whether particular research exemplifies the Einstein or Holmes model, whether it is inductive or deductive in nature.

The instructor might offer a hypothetical, for example a researcher who plans to study drug abuse and picks a perspective or **frame of reference**, perhaps that drug abuse is largely a result of peer pressure, or that it is largely a result of availability, or that it is largely a result of a desire to escape reality. Let the students determine what model the hypothetical exemplifies. Instructors may instead want to utilize one or more of the many National Institute of Justice, Research in Brief or Research Preview publications to show actual research^{**}. In the alternative, an instructor might ask students to suggest topics and approaches and identify them in terms of the two major approaches just described. Research projects referenced in the main text could also be used as examples.

Continuing with the material:

The research process is commonly divided into seven basic stages as follows:

1. Choosing a topic
2. Reviewing previous research, if any, on the topic
3. Formulating a **hypothesis**, which is a theory about the relationship between two or more variables which can be tested through scientific research
4. Selecting a research design (from four basic methods which are described below)
5. Gathering the data
6. Analyzing the data
7. Producing a report on the results of the study

In any research plan, provisions must be included for **research design**. The four major techniques are :

1. **Survey**: This technique uses carefully framed questions to reveal a variety of facts about people's thoughts and behavior. The survey can take the form of an **interview** or a **questionnaire**. Usually,

^{**} These publications are available by mail, free of charge from NIJ and are usually available from the NCJRS Justice Information Center World Wide Web site or the Department of Justice World Wide Web site.

gathering the required data from the entire population targeted in the research is either impossible or highly impractical. In most cases **sampling**, taking a proportion or a **random sample** of persons from a whole class or **population**, rather than involving the entire class of persons, is done instead. Instructors may wish to ask students if they have ever participated in a survey.

2. **Experiment:** A technique in which the researcher manipulates conditions so that the effects produced by one independent variable can be isolated and observed. Instructors may wish to ask students to give examples of research experiments they have studied in other classes or have otherwise learned about.
3. **Observation studies:** This technique is of two types: **non-participant observation** and **participant observation**. Students might be asked to suggest potential problems with these methods.
4. **Secondary Analysis:** Using early studies or other secondary sources such as court records, diaries, government reports and the like. Students might be asked to suggest other sources for secondary analysis.

The measures themselves must have **validity**, that is they must actually measure what they are said to measure. Measures are also expected to be **reliable**, that is they can be depended upon to give consistently accurate results. If we think of the research process as a series of building blocks or as a chain, we realize that the quality of the research is only as good as its weakest block or link.

Qualitative research and **quantitative research** are both used to test theories, and both are important to criminal justice research. Examples of highly qualitative tests are the use of observation, interviewing and the like. When used alone, this research may be subject to criticism that it is overly subjective. Similarly, complicated statistical models, complex mathematical analyses and other highly quantitative measures might be thought to be nothing more than sophisticated number crunching.

More active learning:

Using the material from the exercise above, or some other research material, students could be required to answer questions about the particular research material in terms of the rest of the lesson. Examples of such questions might be: (1) Does it appear that the research was based on a sampling? (2) What was the size and nature of the sample? (3) Give examples of qualitative and/or quantitative research from the study at hand. (4) Do the measures appear to actually measure what they say they do, that is, do they meet the standard of validity?

To conclude: There is much more that could be conveyed concerning the fundamentals of criminal justice research. The importance of quality criminal justice research cannot be overestimated.

Concepts Of Criminal Law

Prepared by: Richard McGrath, Cerritos College, Norwalk, CA

Purpose of the Course:

The purpose of the Concepts of Criminal Law course is to provide students with an overview of the broad principles of criminal law. It provides an understanding of the development, philosophy, content, functioning and purpose of criminal law. It is not a detailed study of specific crimes and their elements. That is the objective of the follow-up course called "Substantive Criminal Law."

Course Objectives:

1. To provide students with an awareness of the various forms of law, their sources and development, their effect on society, and their relationship to criminal law.
2. To provide an understanding of the history, objectives and functioning of criminal and constitutional law to enable students to make informed judgment decisions and to enforce the law in a manner so as to achieve its public policy objectives.
3. To provide students with a sufficient knowledge of California criminal law to enable them to respond to inquiries and provide accurate information to the public about their rights and responsibilities under the criminal law.
4. To prepare students for success in the more advanced law classes leading to an Associate's and/or Bachelor's degree, and to provide them with the cognitive knowledge required by the California Commission on Peace Officer Standards and Training (POST) for Learning Domain # 5 of the POST Regular Basic Course.
5. To expose students to the cognitive skills needed in law enforcement and other related fields, in order to assist them in evaluating their potential for success in these fields.
6. To assist students in forming ethical attitudes toward the enforcement of the law.
7. To provide students with experience in critical thinking, logical analysis and independent legal research in the field of criminal law.

Catalogue Course Description:

An introduction to the historical development, philosophy, and basic legal concepts of criminal law. The course includes an examination of constitutional provisions, legal research, legal analysis, and the functioning of criminal law as a social force. It also includes a detailed examination of legal definitions, classifications of law, penalties, corpus delicti, criminal intent, parties to a crime, defenses to crime, and a brief introduction to laws of arrest and judicial procedure.

Class Hours: 3 lecture hours/week—54 hours total

Units: 3 semester units

Prerequisites: None

Instructional Methods:

Instructional techniques should emphasize development of the skills of logical analysis, critical thinking, independent research, legal problem solving, and reading and writing abilities. Mere memorization of statutes is not desired. Instruction should include:

1. Classroom lectures with substantial opportunity for, and encouragement of, student initiated questions and class discussion.
2. Facilitated class group discussions of subjective and/or controversial issues of criminal law, such as enforcement policies and selective enforcement.
3. Assigned reading with follow-up written assignments in selected texts and exercises in the use of the California Penal Code.
4. Written exercises to aid in the development of a legal vocabulary.
5. Legal research exercises, utilizing the resources of a law library and computer retrieval systems, such as the Internet access to California legislative resources, including the index to current legislation and existing statute law.
6. Assigned case briefs of criminal law court decisions.
7. Classroom role-playing activities related to basic legal decisions encountered in daily criminal justice activities.

Note to Instructors:

The Concepts of Criminal Law class is intended to be a first semester class in the Administration of Justice curriculum and is a prerequisite to the Substantive Criminal Law class. It is vital that this course provide a rewarding and stimulating transition into a knowledge area that is completely new to most students.

If presented well, it will encourage students to pursue their interests in a criminal justice career and will help them to evaluate their abilities and to select a specific career goal to match their interests and aptitudes. It will provide a strong foundation for developing their attitudes and beliefs regarding criminal justice. It should help them to recognize the moral and ethical responsibilities which accompany any of the law enforcement and legal professions. The instructor of this course **must** be a model of professionalism. New students will develop beliefs about criminal law and its enforcement not only from the material included in the lesson plan, but also from the manner in which it is presented and their observation of the instructor's dedication to the ethics and principles of American criminal justice.

If presented in an atmosphere of unjust criticism of the law, or of indifferent or deceptive adherence to the rules of law, students will either become disillusioned and avoid the legal fields as a career or will develop attitudes which will cause serious problems in their future work performance.

Course Content:

This course satisfies the content of Learning Domain # 5 of the POST Basic Course requirements. That domain requires only 6 hours of instruction. It should be apparent that with 54 hours of instruction, this course goes far beyond the minimum required by POST. The additional time can be devoted to a number of activities and learning goals which complement the POST minimum requirements. The outline also includes all of the requirements of the old POST Learning Domain #14, Constitutional Law, which POST has deleted from the Basic Course and included in a reduced format in LD # 2. It also includes a segment on basic Legal Research, a topic not included in any of the POST Basic Course Learning Domains. Recognizing the educational value of review and repetition, the course also includes brief segments on the critical areas of Laws of Arrest and the Organization of the Criminal Justice System.

Student Evaluation Methods:

1. Objective format written exams, requiring analytical problem-solving skills. Questions testing rote memorization should be held to a minimum.

Optional Recommendation:

Students may use a California Penal Code for reference during these written exams. This recommendation is based on the reality that they will almost always have a Penal Code available to them when needed on the job and should be encouraged to use it. It is more important for them to understand and know how to find the law than it is to simply memorize it. Even attorneys and judges do not memorize the Penal Code.

2. At least one brief essay question should be included as part of each of the written exams. The essay should require the application of legal analysis skills.
3. Legal Research in criminal case law as assigned by instructor:
 - A. Case Brief written in an acceptable case brief format (5% of grade).
 - B. Legal Research Paper written in an acceptable legal research report format (10% of grade).
4. Written homework assignments based on text reading and classroom lectures, and based on problem questions from the student text or workbook.
5. (Optional) Extra Credit activity (5% of grade maximum):

Written report of a Courtroom Visit or Police Patrol Ride-along.

Note: The evaluation techniques and weighted percentage values given here are suggestions for guidance only. The evaluation methods and individual item weights used are to be determined by each instructor.

Note: POST cut score for Learning Domain # 2 is 65%.

POST cut score for Learning Domain # 5 is 70%.

P.O.S.T. Learning Domains and Training Specifications:

The content of this course outline satisfies all of the requirements of the following P.O.S.T. Learning Domain of the Regular Basic Course:

5 Introduction To Criminal Law—6 hours.

The course also briefly examines components of the following Learning Domains. These are necessarily redundant, but considered valuable considering the educational value of repetition and review. It should be emphasized that these topics are not part of the required POST content for the Concepts of Criminal Law class.

2 Criminal Justice System

15 Laws of Arrest

17 Presentation of Evidence

20 Use of Force

Course Outline and Student Learning Objectives:

When a student completes this course, including the classroom lectures, the related reading assignments, and the recommended course activities, he or she should be able to satisfy the stated learning objectives for each of the following topics.

The numbers in parentheses following the individual student learning objectives refer to the Learning Domains (LD), Performance Objectives (PO), and Required Topics (RT) identified in the POST Regular Basic Course Training Specifications. Those topics which do not have such a number are not mandated by POST as part of the Basic Course requirements, but are considered essential to a college level study of the subject.

The sequence and plan of instruction must be decided by each institution, considering the student text being used, POST learning domain organization, and the individual instructor's approach to the material.

I. Introduction to Criminal Law (Learning Domain # 5):

A. Describe the early history of law

1. Describe the early Babylonian and Roman laws.
2. List and describe the forms of early English law established by William the First of England.
3. Explain the development of English Common Law and describe its relationship to modern American law. **(LD 5, PO 3.1.6, RT 5 B)**

B. Describe and be able to distinguish between the following forms of law **(LD 5, PO 3.1.6)**

1. Statute law and case law **(LD 5, PO 3.1.6, RT 5 H2 & 5 H3)**

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- a. Explain how statute law and case law are created, where they are found, and how they are identified, including federal and state statutes, and state, county, and city codes and ordinances.
 - b. Describe the relationship between statute law and case law, give at least one example of how case law interprets statute law, and define the term “Stare Decisis”. **(LD 5, PO 3.1.6)**
 - c. Use the Index and Table of Contents of the Penal Code and other common California codes to find criminal statutes and be able to interpret a simple court report case citation number.
2. Criminal law and Civil law **(LD 5, PO 3.1.5 & 3.1.6, RT 5 B, 5 H2, & 5 H3)**
 - a. Define and describe criminal law and civil law, fully explain the purposes of each and describe the significant differences between them. Define tort and contract.
 3. Substantive law and procedural law
 - a. Describe the importance of procedural law in criminal defense.
- C. Describe the concept of the preemption of laws.
- D. Define plea bargaining, describe why it exists, and briefly define the “Due Process” vs. “Administrative” models of justice.

II. Purpose and Functions of Criminal Law (Learning Domain # 5):

- A. Explain the relationship between the creation of law and its interpretation and enforcement, including the vital need for intelligent enforcement.
1. Describe the concept of enforcement policies based on the “Spirit of the Law” as opposed to the “Letter of the Law”. **(LD 5, PO 3.1.1 & 3.1.6, RT 5 A)**
 2. Explain the concepts of selective enforcement and discretionary judgement.
 3. Describe the essential ingredients in the decision-making process used by police administrators and individual officers in establishing enforcement policies so as to avoid bias and to enforce the law fairly.
- B. Explain the concept of the balance between freedom and protection in the functioning of the criminal justice system
- C. Help the student to recognize his or her own personal attitudes and beliefs about the criminal justice system and to be able to support those beliefs with factual evidence and sound reasoning.

III. Crime Classifications and Sentencing Laws (Learning Domain # 5):

- A. Explain the legal definition of “crime”
 - 1. Define and distinguish between crimes, civil torts, and civil breaches of contract. **(LD 5, PO 3.1.5 & 3.1.6, RT 5 B)**
- B. Define and distinguish between the classifications of crimes known as felonies, misdemeanors, optional felonies or “wobblers,” and infractions. **(LD 5, PO 3.1.6, RT 5 I, 5 II, 5 I2 & 5 I3)**
- C. Describe California sentencing laws, including:
 - 1. determinate and indeterminate sentences
 - 2. sentence enhancements
 - 3. habitual criminal laws, including “three strikes law”
 - 4. consecutive and concurrent sentences
 - 5. probation and parole
 - 6. plea bargaining.
- D. Define and describe “Ex Post Facto” laws. **(LD 5, RT 5 C)**

IV. Corpus Delicti and Legal Analysis (Learning Domain # 5):

- A. Describe the concept of dividing crimes into elements, including why it is done and how it effects proof of guilt in court. **(LD 5, PO 3.1.6, RT 5 J)**
 - 1. Define and give examples of “Corpus Delicti”
 - a. Describe the legal significance of corpus dilecti and recognize how corpus dilecti effects the burden of proof in a criminal case. **(LD 5, PO 3.1.6, RT 5 J)**
- B. Define “Direct” and “Circumstantial” Evidence and describe their legal significance.
- C. Describe and give examples of the differences between legal issues and factual issues.
 - 1. Explain why enforcement procedures emphasize proof of facts rather than precise legal definitions.
- D. Describe and be able to apply the process of logical analysis, critical thinking and legal reasoning.
 - 1. Resolve a problem of criminal law, utilizing an understanding of the concepts of corpus dilecti and legal vs. factual issues.

V. Act and Intent (Learning Domain # 5):

- A. Distinguish between affirmative criminal acts (an act committed in violation of a law forbidding it) and failures to act (an act omitted in violation of a law commanding it).

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- B. Describe the requirement of duty which is necessary in order for a failure to act to be a crime and provide examples of how such duty is imposed. **(LD 5, PO 3.3.1)**
- C. Describe the legal concept of proximate cause, and the standards which are used in determining the existence of proximate cause.
- D. Distinguish between motive and intent.
- E. Define and distinguish between the various forms of criminal intent:
 - 1. General intent **(LD 5, PO 3.1.6 & PO 3.3.1, RT 5 D1)**
 - a. Criminal Negligence **(LD 5, PO 3.1.6 & PO 3.3.1, RT 5 D4)**
 - 2. Specific intent **(LD 5, PO 3.1.6 & PO 3.3.1, RT 5 D2)**
 - 3. Transferred intent **(LD 5, PO 3.1.6 & PO 3.3.1, RT 5 D3)**
- F. Describe the effect of intoxication on legal responsibility for criminal acts.
 - 1. Voluntary
 - 2. Involuntary

VI. Parties to a Crime (Learning Domain # 5):

- A. Explain the rules relating to criminal responsibility of all the parties to a crime: **(LD 5, PO 3.1.6 & PO 3.4.3, RT 5 E)**
 - 1. Principals to a crime (31 PC) **(LD 5, PO 3.1.6 & PO 3.4.3, RT 5 E1)**
 - 2. Accessories to a crime (32 PC) **(LD 5, PO 3.1.6 & PO 3.4.3, RT 5 E2)**
 - 3. Accomplices (1111 PC) **(LD 5, PO 3.1.6, RT 5 E3)**
 - a. Feigned Accomplices **(LD 5, PO 3.1.6)**
 - 4. Soliciting a crime (653f PC) **(LD 8, RT C)**
 - 5. Compounding (concealing) a crime (153 PC)
 - 6. Conspiracy (182 PC) **(LD 8, RT B)**
- B. Given the facts of a criminal case, including the actions of each of several parties, be able to determine the criminal responsibility of each. **(LD 5, PO 3.1.6 & 3.4.3)**

VII. Laws of Arrest (Learning Domains # 5, # 15 and # 20):

This is not a complete coverage of the laws of arrest or of the listed Learning Domains as the subject is covered extensively in the class called Criminal Procedures. This topic simply introduces the subject and serves as a foundation for further study. It also corrects some common misconceptions about the subject.

A. Define an arrest:

1. Describe the purposes for taking a person into custody.
2. List the essential elements necessary for a lawful arrest. **(LD 5, PO 3.1.6)**

B. Briefly describe a peace officer's authority for felony and misdemeanor arrests.

1. Definition of "reasonable cause." **(LD 5, PO 3.1.6)**

C. Briefly describe a private citizen's authority to make an arrest.

D. Briefly describe the rules for the use of force in making arrests.

E. Briefly explain the authority of police to stop and detain suspects.

1. Definition of "reasonable suspicion." **(LD 5, PO 3.1.6)**

VIII. Basic Concepts of Criminal Procedure: (Learning Domain # 2):

This is not a complete coverage of criminal procedure as the subject is covered extensively in the class called Criminal Procedures. This topic simply introduces the subject and serves as a foundation for further study and to correct some common misconceptions about the subject.

A. Briefly describe the following basic concepts of English and American judicial procedure:

1. The doctrine of Presumption of Innocence.
2. The standard of proof necessary for conviction, or to establish legal liability:
 - a. In a criminal case
 - b. In a civil case.
3. The differences in the responsibilities of judge and jury.

IX. Defenses to Crimes:

A. Explain in detail the legal requirements of each of the following criminal defenses:

1. Persons legally incapable of committing crimes **(LD 5, RT 5 G):**

- a. Insanity
- b. Diminished capacity
- c. Unconscious acts
- d. Children under age 14
- e. Idiocy and feeble mindedness
- f. Mistakes of law and fact
- g. Unavoidable accident
- h. Duress and coercion

2. Other Defenses:

- a. Double jeopardy
- b. Entrapment **(LD 5, PO 3.1.6 & PO 3.5.1, RT 5-F)**
- c. Self defense
- d. Statute of limitations

- B. Given the facts of a criminal case, determine the most likely defenses which may be claimed by a defendant and the evidence required to prove or disprove the validity of those defenses.

X. Criminal Attempts (Learning Domain # 5):

Note: This chapter ("Criminal Attempts") may be included in this course or not at the discretion of each college. It is required by P.O.S.T. to be included as part of the Substantive Criminal Law class.

- A. Describe the elements of an attempted crime under sections 21a, 663 and 664 PC. **(LD 5, PO 3.1.6, RT 5 K)**
- 1. Describe the circumstances under which a legal or factual impossibility to complete the crime may prevent an act from being an attempted crime.
- B. Describe the legal status of a defendant who intends to commit a crime, initiates actions to carry it out, but then voluntarily abandons his efforts without completing the crime.
- C. Describe the penalties for attempting to commit a crime.

XI. Constitutional Law (Learning Domains # 2 and # 5):

- A. Define Constitutional Law, including the Constitution itself, the amendments, and the case law interpretations of the Constitution. **(LD 5, PO 3.1.6, RT 5 H1)**
- B. Describe the methods by which both federal and state constitutional law is created and amended.
- C. Explain the judicial review and statutory interpretation functions of the Supreme Court.

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- D. Describe the difference in jurisdictional scope of the United States Supreme Court and the state supreme courts, including the concept of “independent state grounds.”
- E. Compare the original purpose of the United States Constitution with the present application of its provisions, including the “Supremacy” clause of the 10th amendment.
- F. Describe absolute and conditional rights and the significance of these terms in understanding constitutional law.
- G. Briefly describe each part of the Bill of Rights which pertains to criminal justice, particularly the 1st, 2nd, 4th, 5th, 6th, and 8th amendments. **(LD 2, PO 3.37.1, RT 2 E)**
- H. Define the meaning of “implementive provisions.”
 - 1. Describe the exclusionary rule.
- I. Explain the effects of the 14th amendment.
- J. Briefly describe the contents of the federal civil rights acts, particularly as they affect law enforcement.

XII. Legal Research:

- A. Read and understand a California appellate court case citation and be able to use it to locate an assigned case decision in a law library.
- B. Describe the content of the most common legal research resource materials, including annotated codes, court reports, digests, and legal encyclopedias.
- C. Utilize legal research resource materials, including on-line computer resources, to resolve a simple research problem of California criminal law.
- D. Write a case brief utilizing an acceptable case brief format.
- E. Locate the relevant law relating to a simple criminal law legal problem, and write a report of the result of the legal research using an acceptable legal research report format.
- F. Locate the text of the most recent amendments to California statute law using the Internet computerized data base maintained by the California legislature.

Resources:

Recommended Resources and Student Materials:

- A. Student Workbooks:
 - 1. McGrath, Richard. California Criminal Law Workbook, Kendall/Hunt Publishing Co., Dubuque, Iowa, Latest Edition

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2. McGrath, Richard. Legal Research Programmed Workbook, Kendall/Hunt Publishing Co., Dubuque, Iowa, Latest Edition

B. Texts:

1. California Penal Code—Various publishers.
2. Payton, George. Concepts of California Criminal Law. Criminal Justice Services, San Jose, California.
3. Reid, Sue Titus. Criminal Law, MacMillan Publishing Co., New York.
4. Wallace, Harvey, and, Cliff Roberson. Principles of Criminal Law, Longman Publishers, White Plains, New York, N.Y.
5. Gardner, Thomas and Terry Anderson. Criminal Law, Principles & Cases, West Publishing Co., St. Paul, Minn., 5th Ed., 1992.
6. Gifis, Steven. Barron's Law Dictionary, Barron's Educational Series, Woodbury, N.Y.
7. Robinson, Paul. Fundamentals of Criminal Law, Little, Brown & Co.
8. Kaplan, John and Robert Weisberg. Criminal Law Cases and Materials, Little Brown & Co.
9. Chamelin, Neil and Kenneth Evans. Criminal Law For Policeman, Prentice-Hall Publishing Co., Englewood Cliffs, N.J.
10. Felkenes, George. Criminal Law and Procedure, Prentice-Hall Publishing Co., Englewood Cliffs, N.J.
11. Gammage, Allen Z. and Charles Hemphill. Basic Criminal Law, McGraw-Hill Publishing Co., New York, N.Y.
12. Hunt, Derald D. California Criminal Law Concepts, Burgess International Group, Inc., Edina, Minn.

Concepts of Criminal Law - Sample Lesson Plan: Corpus Delicti And Legal Analysis

Prepared by: Richard McGrath, Cerritos College, Norwalk, CA

Introduction:

Many phrases used in law have precise legal definitions but are misinterpreted and misapplied by press and fiction writers. This is particularly true of the Latin term “Corpus Delicti,” which mystery writers still use to refer to a dead body in the hall closet.

This lesson describes the precise legal definition of “Corpus Delicti” and its significance, as well as “Elements of a Crime,” “Legal Analysis,” “Legal Issues” vs. “Factual Issues,” and “Direct” and “Circumstantial” evidence.

The material includes both a programmed lesson as an outside reading assignment and a lecture outline for classroom use.

Objectives:

1. Satisfy the P.O.S.T. Basic Course requirements of Learning Domain # 5, Required Topic 5 J, Performance Objective 3.1.6.
2. Define and give examples of “Corpus Delicti” and describe the concept of dividing crimes into elements, including why it is done and how it affects proof of guilt in court.
3. Define “Direct” and “Circumstantial” Evidence and describe their legal significance.
4. Describe and give examples of the differences between legal issues and factual issues, and explain why enforcement procedures emphasize proof of facts rather than precise legal definitions.
5. Describe and be able to apply the process of logical analysis, critical thinking, and legal reasoning to resolve a question of criminal law, utilizing an understanding of the concepts of corpus Delicti and legal vs. factual issues.

Lecture Outline:

I. Introduction:

A. Overview of chapter:

1. Elements of crimes
2. Corpus Delicti
3. Direct evidence and circumstantial evidence (reading assignment in text or student workbook)

4. Critical analysis of legal problems
 5. Legal issues vs. factual issues
- B. Value of learning theoretical concepts such as “elements of a crime”, “Corpus Delicti”, “circumstantial evidence”, “legal issues and factual issues”:
1. A new officer could learn to enforce the law by simply observing experienced officers in the field and absorbing legal knowledge on a situation by situation basis, but knowing the theory and principles behind the law allows an officer to make better decisions when faced with new circumstances. A good officer knows not only what to do but why he or she is doing it.
 2. Having sufficient class time to learn the theory behind the law, as well as the practical application of the law, is a major difference between college criminal justice education and police academy training.

Instructor’s Note:

If using McGrath’s “California Criminal Law Workbook,” have the class read the programmed lesson on “Corpus Delicti” in Chapter 3 before beginning this lecture. The programmed lesson also describes “Prima Facie Case” and “Direct” and “Circumstantial” Evidence.

II. Corpus Delicti and Elements of Crimes:

Instructor’s Note:

This brief section on “Corpus Delicti” is a review of what the students would have already learned in their text or workbook reading assignment. However, it is vital to their understanding of “Legal Analysis,” and therefore deserves repeating.

- A. All statutory crime definitions are divided into parts called elements.
- B. All elements taken together constitute the “Corpus Delicti” of that crime.
- C. Appellate courts interpret and define the elements of the corpus Delicti.
- D. A crime is completed at the moment that all elements of the corpus Delicti are satisfied.
- E. Examples:
Board:
 1. Elements of Burglary (459 PC):
 - a. Entry
 - b. Of a building
 - c. With intent to steal or commit a felony

Instructor's Note:

Remind class that each element of every crime has been defined and interpreted by case decisions.
(Example: Inclusion of a phone booth in the definition of a "building" in burglary—People vs. Miller, 95 CA@ 631)

2. Elements of Theft (484 PC):

a. *Taking*

(1) "Take" is defined by court decisions as: "any movement, however slight."

Instructor's Note:

Be sure to emphasize the definition of the word "take":

(Illustrate by picking something up from a student's desk and ask if you have "taken" it. Class should agree that you have.)

b. *Personal property of another*

c. *Without their consent*

d. *With intent to permanently deprive* owner of the property.

III. Legal Reasoning and Analysis:

A. A critical skill for any law enforcement officer, lawyer, judge, etc.

B. Steps of Analysis:

1. Reconstruct facts of incident from reliable sources

a. Based on witnesses' statements, physical evidence, systematic evaluation, and logical analysis.

(1) Newspaper articles are not particularly reliable.

(2) Statements of friends or relatives of either victim or suspect are not very reliable.

b. Accurate, complete facts may not always be available

(1) Memories will fade

(2) Psychological trauma may obscure memories of facts.

(a) Our minds protect us from re-living frightening experiences.

(3) Each individual interprets what he or she see in his or her own way.

Law Enforcement

(4) Some may deliberately lie or withhold information.

2. Identify relevant law
 - a. Research both statute law and case law.
 - b. Determine legislative intent and purpose of law.
 - c. Determine corpus Delicti of most likely potential crimes.
3. Compare and match facts of case to elements of the corpus Delicti.
 - a. Be aware of how each element has been interpreted by the courts.
 - b. Do not omit anything from the required elements of the crime.
 - c. Do not add anything that is not required, except as established by case law.
 - d. Determine what crime, or crimes, have been committed.
4. Identify relevant legal issues:
 - a. Eliminate irrelevant information or arguments intended only to mislead investigation and to confuse real issues. This is a common defense tactic to mislead the jury. Concentrate on what is important!
5. Consider possible alternatives and reach appropriate decisions:
 - a. What action should be taken?
 - (1) Reporting Officer - Ignore violation and take no legal action, counsel parties, warn them, write report for investigation, issue a citation, or physically arrest them?
 - (2) Investigator - Close case without investigation, investigate, but close case without requesting prosecution, or file application with DA for complaint to be filed in court?
 - (3) DA - file a complaint in court, request further investigation, or reject the charges?
 - (4) DA - accept a plea bargain or fully prosecute the case?
 - b. Consider legal, practical, economic, social, and humanitarian results of actions.
 - c. Use reasonable discretionary judgment and be able to justify your actions based on sound logic and objective reasoning.

IV. Examples of matching the facts to the elements of the crime:

Instructor's Note:

Describe each of the following scenarios. Ask class what, if any, crimes have been committed. Write possibilities on board and poll class for their opinion.

1. A man goes into a large department store to shop. He is planning to buy a sweater. As he walks past the jewelry counter, he sees an expensive gold necklace lying unattended on the counter. No one is watching it. He gets tempted, picks it up, puts it in his pocket and walks out with it.

Question: Is he guilty of a crime? If so, what crime?

Theft? . . . or burglary?

Answer: Guilty of theft.

Not guilty of burglary . . . No intent to steal at time of entry.

Instructor's Note:

The class will probably have no difficulty in understanding and accepting this.

2. The next day, the man goes back to the store, intending to steal another necklace. Everything has been put away however, and he is being watched. After walking around for 45 minutes, looking for something to steal, he can't find anything and leaves, not taking anything.

Question: Is he guilty of a crime? If so, what crime?

Answer: Guilty of burglary . . .

Explanation: Burglary does not require that anything be stolen, only that the person enter the building with the intent to steal.

He probably will not be arrested however, because only he knows his intent, and he will probably lie if he is questioned about it.

Instructor's Note:

Some student will have difficulty understanding the reasoning for this answer and you may have to go over it several times. A useful example to help explain it is that of a thief caught in the act of climbing through a bedroom window to a house. He will be charged with burglary even though he has not yet stolen anything.

The confusion is caused by a failure to understand the difference between legal issues and factual issues.

Law Enforcement

V. Legal Issues vs. Factual Issues:

A. Every court case consists of issues of law and issues of fact.

1. Legal issues:

a. Questions of law, decided by the judge

2. Factual issues:

a. Questions of fact, decided by the jury

b. The jury determines the facts of the case. Both sides will have their own versions of what happened. The facts are decided by the jury, basing its decision on the evidence presented in court. Regardless of what the true facts really are, the jury establishes the final legally accepted version of the facts by finding the defendant guilty or not guilty. A prosecutor must have evidence to present to the jury in order to convince them of what the facts are and that the law has been violated.

c. A judge, lawyer, police officer, or law instructor can describe the law but can never predict what evidence the jury will or will not believe or what evidence a particular jury will need to determine that a defendant is guilty or innocent.

Example:

A man enters a store to shop, sees a camera on a counter and decides to steal it. He picks it up from the counter, puts it in his pocket, walks out of the camera department, out the main entrance of the store, and is stopped in the parking lot just as he is getting into his car.

QUESTION 1: What crime has he committed?

ANSWER: Most students will correctly answer "Theft!"

QUESTION 2: When was the crime of theft (or shoplifting) completed?

Instructor's Note:

Have class give their opinions and write the answers on the board.

You will probably get:

- When camera was picked up.
- When it was put in his pocket.
- When he left camera department.
- When he left the store.

Poll the class and see how many agree with each possibility.

Point out that only one can be right!

ANSWER TO QUESTION: When the camera was picked up from the counter.

Law Enforcement

It is not when the shoplifter walked away from the camera department, left the store, or got in his car. The elements of a theft do not require that you leave the premises. That's something people have added to the elements!

All the elements of a theft are satisfied when the item is picked up with the intent to steal it. The suspect probably will not be arrested until he leaves the store, however, in order to have more convincing evidence of his intent to present to the jury.

B. Enforcement Procedures:

1. Enforcement procedures are frequently based on the need to convince the jury of the facts, rather than on specific definitions of law.
 - a. According to the corpus Delicti of theft, a theft occurs the moment that an object is picked up with the intent to steal it. Leaving the premises is not a legal requirement of the crime, and does not establish the point at which a theft occurs.
 - b. In theft, the element of "taking" is satisfied with the slightest movement. Allowing the shoplifter to leave the store simply permits the prosecutor to have more convincing evidence of the defendant's intent to steal to present to the jury.
 - c. To confirm this reasoning:
 - (1) If the shoplifter had a booster box or some other device with him to help him steal, he would probably be arrested as soon as he was observed hiding the item in the box rather than waiting for him to carry it outside and risk losing him. The theft was completed as soon as he moved the item, and there would be ample evidence at that time to convince a jury. There is also probably ample evidence for a burglary prosecution.

Application:

For student class activity:

A. Define or describe the following:

1. Elements of a Crime
2. Corpus Delicti
3. Prima Facie Case
4. Circumstantial Evidence

B. Problem Question:

Compare Legal Issues and Factual Issues and explain why it is important to be able to understand the differences between the two.

Substantive Criminal Law

Prepared by: Richard McGrath, Cerritos College, Norwalk, CA

Purpose of the Course:

The purpose of the Substantive Criminal Law course is to provide students with a working knowledge of the elements of the most serious and most frequently encountered California crimes. It examines both the statutory components of these crimes and the case law interpretations applied by the California appellate courts. In addition, it provides guidance for the reasonable and realistic enforcement of these laws. This course is designed as the second half of two one semester classes introducing students to criminal law. The prerequisite first semester course is Concepts of Criminal Law. This course also provides students with an opportunity to apply the knowledge acquired in that class, including their ability to conduct basic legal research.

Course Objectives:

1. To provide students with an awareness of the statutory definitions and case law interpretations of most of the major and minor offenses contained in California criminal law.
2. To provide students with a sufficient understanding of the objectives and functioning of California criminal law to enable them to make informed judgement decisions, and to enforce the law in a manner so as to achieve its public policy objectives.
3. To provide students with a sufficient knowledge of California criminal law to enable them to respond to inquiries and provide accurate information to the public about their rights and responsibilities under the criminal law.
4. To prepare students for success in the more advanced law classes leading to an Associate's and/or Bachelor's degree, and to provide them with the cognitive knowledge required by the California Commission on Peace Officer Standards and Training (POST) for the following Learning Domains of the POST Regular Basic Course:

Domain # 6 - Property Crimes

Domain # 7 - Crimes Against Persons

Domain # 8 - General Criminal Statutes

Domain # 9 - Crimes Against Children

Domain # 10 - Sex Crimes

Domain # 39 - Crimes Against The Justice System

Domain # 40 - Weapons Violations

5. To enable students to recognize the types of evidence commonly used to establish legal proof of the statutory elements of these crimes.
6. To allow students to recognize common California law enforcement agency policies and practices in enforcing these laws.
7. To provide students with an opportunity to utilize their general legal knowledge and their legal research skills acquired in the Concepts of Criminal Law class.

8. To provide students with experience in critical thinking, legal analysis, and independent legal research in the field of criminal law.

Catalogue Course Description:

An in-depth study of the substantive criminal laws commonly enforced by California state, county, and municipal law enforcement officers. The course provides a complete analysis of both statute law as created by the state legislature and case law as defined in state and federal appellate court decisions.

Class Hours: 3 lecture hours/week - 54 hours total

Units: 3 semester units

Prerequisite: Concepts of Criminal Law

Instructional Methods:

Instructional techniques should emphasize development of the skills of logical analysis, critical thinking, independent research, problem solving, and reading and writing abilities. The instruction should include:

1. Classroom lectures with substantial opportunity for, and encouragement of, student generated questions and class discussion.
2. Facilitated class group discussion of subjective and/or controversial issues of criminal justice, such as enforcement policies, selective enforcement of law, etc.
3. Assigned reading with follow-up written assignments in selected texts and exercises in the use of the California Penal Code.
4. Written exercises to aid in the development of a legal vocabulary.
5. Legal research exercises, utilizing the resources of a law library and computer driven retrieval systems, such as Internet access to California legislative resources, including the index to current legislation and existing statute law.
6. Assigned case briefs of criminal law court decisions.
7. Classroom role-playing activities related to basic legal decisions encountered in daily criminal justice activities.

Note to Instructors:

The Substantive Criminal Law course is usually one of the second semester courses taken by students in an Administration of Justice program and is a follow-up to the Concepts of Criminal Law class.

As with the Concepts of Criminal Law course, if presented well, it will encourage students to continue to pursue their interests in a criminal justice career. The instructor of this course must be a model of professionalism. New students will develop beliefs about criminal law and its enforcement not only from the material included in the lesson plan, but also from the manner in which it is presented, and their observation of the instructor's obvious dedication to the ethics and principles of American criminal justice.

If presented in an atmosphere of unjust criticism of the law, or of superficial or deceptive adherence to the rules of law, the student will either become disillusioned and avoid the legal fields as a career, or will develop attitudes which will cause serious problems in his or her future work performance.

Course Content:

This course satisfies the content of Learning Domains 6, 7, 8, 9, 10, 39 and 40 of the POST Basic Course requirements. These domains require 44 hours of classroom instruction, therefore, with 54 hours of instruction, this course goes beyond the minimums required by POST. The additional time can be devoted to a number of activities and learning goals which complement the POST minimum requirements. The course provides numerous opportunities for students to apply basic legal research skills in locating court decisions interpreting the elements of the crimes discussed in class. The course also examines the discretionary judgement which is exercised in enforcing these laws.

Student Evaluation Methods:

1. Objective format written exams, requiring analytical problem-solving skills. Questions testing rote memorization should be held to a minimum.

(Optional) Students may use a California Penal Code for reference during these exams. This is based on the reality that they will always have a Penal Code available to them on the job and that it is more important for them to be able to find and to understand the law than to memorize it. Even attorneys and judges do not memorize the Penal Code.

2. At least one brief essay question as part of each of the written exams. The essays will require the application of legal analysis skills.
3. Legal Research in criminal case law as assigned by instructor:
 - A. Case Brief written in an acceptable case brief format (5% of grade).
 - B. Legal Research Paper written in an acceptable legal research report format (10% of grade).
4. Written homework assignments based on text reading and classroom lectures, and based on problem questions from each chapter of the student workbook.
5. (Optional) Extra Credit activity (5% of grade maximum): Written report of a Courtroom Visit or Police Patrol Ride-along.

Note: The evaluation techniques and weighted percentage values given here are suggestions for guidance only. The evaluation methods and individual item weights used are to be determined by each instructor.

Note: POST cut score for Learning Domain # 6 is 74%.
POST cut score for Learning Domain # 7 is 70%.
POST cut score for Learning Domain # 8 is 75%.
POST cut score for Learning Domain # 9 is 75%.
POST cut score for Learning Domain # 10 is 75%.
POST cut score for Learning Domain # 39 is 75%.
POST cut score for Learning Domain # 40 is 76%.

P.O.S.T. Learning Domains and Training Specifications:

The content of this course outline satisfies all of the requirements of the following P.O.S.T. Learning Domains of the Regular Basic Course:

- # 6 - Property Crimes - 10 hours
- # 7 - Crimes Against Persons - 10 hours
- # 8 - General Criminal Statutes - 4 hours
- # 9 - Crimes Against Children - 6 hours
- # 10 - Sex Crimes - 6 hours
- # 39 - Crimes Against The Justice System - 4 hours
- # 40 - Weapons Violations - 4 hours

This course also partially satisfies the requirements for the following POST Learning Domains. It must be emphasized that these topics are not part of the required POST content for the Substantive Law class. These learning domains are included only to provide guidance for those colleges which do not offer separate courses in these subject areas. Because of class time limitations, it is not recommended that they be included in this course unless there is a specific need at a particular college due to the material not being covered in any other course:

- # 11 - Juvenile Law and Procedure
- # 13 - Alcoholic Beverage Laws
- # 28 - Traffic Enforcement (Driving Under the Influence)

Course Outline and Student Learning Objectives:

When a student completes this course, including the classroom lectures, the reading assignments, and the recommended course activities, he or she should be able to, given a word picture depicting the possible commission of any of the following crimes, determine if the crime is complete, and if it is a completed crime, should be able to identify it by its common name and crime classification. They will also be able to satisfy the other objectives for each topic, as stated.

The numbers in parentheses following the individual student learning objectives refer to the Learning Domains (LD), Performance Objectives (PO), and Required Topics (RT) identified in the POST Regular Basic Course Training Specifications. Those topics which do not have such a number are not mandated by POST as part of the Basic Course requirements, but are considered essential to a college level study of the subject.

Where an item may logically relate to more than one topic area, it is identified by an asterisk (*) and listed in both areas. A college may then determine where to include the topic according to its own course structure, as long as it is incorporated somewhere in the subject matter of this course. The sequence and plan of instruction must be decided by each institution, considering the student text being used, POST learning domain organization, and the individual instructor's approach to the material.

I. Criminal Attempts and Preparatory Crimes (Learning Domains # 5 and # 8):

A. Attempted Crimes (LD 8, PO 3.1.6, RT A, and LD 5, RT K)

1. Describe the elements of an attempted crime under sections 21a, 663 and 664 PC.
2. Describe the circumstances under which a legal or factual impossibility to complete the crime may prevent an act from being an attempted crime.
3. Describe the legal status of a defendant who intends to commit a crime, initiates actions to carry it out, but then voluntarily abandons his efforts without completing the crime.
4. Describe the penalties for attempting to commit a crime.

B. Soliciting a crime (653f PC) (LD 8, RT C)

C. Conspiracy (182 PC) (LD 8, RT B)

II. Homicide (Learning Domain # 7):

A. Provide a detailed description, including the statutory elements and the significant case law of the law of homicide, including:

1. Types of homicides
 - a. Lawful (LD 7, PO 3.27.3, RT K)

- (1) Justifiable
 - (2) Excusable
 - b. Unlawful
 - (1) Murder
 - (2) Manslaughter
- 2. Proof of death in homicide
- 3. Legal causation in homicide
- 4. The elements of murder (**LD 7, PO 3.27.2, RT J**)
 - a. Types of malice (**LD 7, PO 3.27.2, RT J**)
 - (1) Express Malice
 - (a) Deliberate intent to kill
 - (2) Implied Malice
 - (a) Intent to cause serious injury which results in death
 - (b) Intent to commit an act highly likely to cause death or serious injury
 - (c) Intent to commit a dangerous felony (Felony Murder Rule) (**LD 7, RT J 2**)
 - (d) Intent to forcefully resist arrest
 - b. Degrees of murder (**LD 7, RT J 1**)
- 5. Elements of Manslaughter
 - a. Voluntary Manslaughter (**LD 7, PO 3.27.4, RT L1**)
 - b. Involuntary Manslaughter (**LD 7, PO 3.27.4, RT L2**)
 - c. Motor Vehicle Manslaughter (**LD 7, PO 3.27.4, RT L3**)
- 6. Penalties for murder and manslaughter
 - a. Legal requirements and procedure for imposing a death penalty
- 7. Assisting a suicide (**LD 7, PO 3.27.1, RT I**)
- 8. Abortion

III. Battery and Assaults: (Learning Domains # 7, 9, 10 & 40):

Provide a detailed description, including the statutory elements and the significant case law of the following crimes:

- A. Battery (**LD 7, PO 3.17.2, RT C**)
- B. Simple Assault (**LD 7, PO 3.17.1, RT B**)
- C. Felony Assaults:
 - 1. Assault With a Deadly Weapon (**LD 7, PO 3.18.1, RT D**)
 - 2. *Assault with intent to commit Rape, Oral Copulation or Sodomy (**LD 10, PO 3.28.3, PO 3.28.4 and PO 3.29.1, RT A**)
 - 3. Mayhem (**LD 7, PO 3.19.1, RT E**)
- D. Abuse of special populations:
 - 1. Spousal Abuse (**LD 7, PO 3.20.1, RT F**)
 - 2. Elder or Dependent Adult Abuse (**LD 7, PO 3.42.1, RT M**)
 - 3.* Child Abuse (273d PC) (**LD 9, PO 3.21.3, RT B**)
- E. Stalking (**LD 7, PO 3.42.3, RT O**)
- F. *Displaying a firearm or other weapon in a threatening manner (**LD 40, PO 3.24.1, RT A**)
- G. *Possession of a weapon with intent to commit an assault (**LD 40, PO 3.24.12, RT L**)

IV. Crimes Involving Restraint (Learning Domain # 7):

Describe in detail the various crimes which involve restraint of the victim, including:

- A. False Imprisonment (**LD 7, PO 3.26.1, RT H**)
- B. False Arrest
- C. Kidnapping (**LD 7, PO 3.26.1, RT H**)
 - 1. Posing as a Kidnapper
- D. *Child Stealing (Abduction) (**LD 7, PO 3.42.2, RT N**)

V. Sex Offenses (Learning Domains # 8, 9 and 10):

Provide a detailed description of the elements of the following sex offenses:

- A. Rape and Related Crimes

1. Rape (**LD 10, PO 3.29.1, RT G**)
2. *Unlawful Sexual Intercourse With a Minor (**LD 9, PO 3.21.10, RT G**)
3. Spousal Rape (**LD 10, PO 3.29.2, RT H**)

B. Sexual Assaults:

1. Sexual Assault with an Object (**LD 10, PO 3.29.3, RT I**)
2. Unlawful oral copulation (**LD 10, PO 3.28.3, RT C**)
3. Sodomy (**LD 10, PO 3.28.4, RT D**)
4. Sexual Battery (**LD 10, PO 3.29.4, RT J**)
5. *Assault with intent to commit Rape, Oral Copulation or Sodomy (**LD 10, PO 3.28.3, PO 3.28.4 and PO 3.29.1, RT A**)

C. Sexual Forms of Disorderly Conduct:

1. *Engaging in Lewd Conduct in a Public Place (**LD 8, PO 3.22.2, RT E 1**)
2. *Prostitution (**LD 8, PO 3.22.2, RT E 2**)
 - a. Definitions of Prostitution, pimping, and pandering
3. *Loitering About a Public Toilet (**LD 8, PO 3.22.2, RT E 3**)
4. *Prowling (**LD 8, PO 3.22.2, RT E 5**)
5. *Peeping (**LD 8, PO 3.22.2, RT E 6**)
6. *Bathroom Peepholes (**LD 8, PO 3.22.2, RT E 8**)

D. Other sex crimes:

1. Indecent exposure (**LD 10, PO 3.28.1, RT B**)
2. Incest (**LD 10, PO 3.28.9, RT E**)
3. Sexual Assault on an Animal
4. *Child Molesting, including Continuing Sexual Abuse of a Child (**LD 9, PO 3.21.5 and PO 3.21.6, RT E**)
5. Bigamy and related crimes
6. Sex crime registration laws (**LD 10, PO 3.28.12, RT F**)

- E. Describe the emotional and psychological trauma experienced by the sex crime victim, and the steps which can be taken by police to reduce such trauma.
- F. Describe the complexities and hazards associated with creating, enforcing, investigating and prosecuting sex crimes.

VI. Crimes Against Children (Learning Domain # 9)

- A. Child Endangering (273a PC) **(LD 9, PO 3.21.2, RT A)**
- B. *Child Abuse (273d PC) **(LD 9, PO 3.21.3, RT B)**
- C. Entering private property without a warrant to investigate a suspected case of child abuse or neglect **(LD 9, PO 3.21.4, RT C)**
- D. Child abuse reports to Child Protective Services or the District Attorney **(LD 9, PO 3.21.11) (LD 9, PO 3.21.12 RT H)**
- E. *Child Stealing (Abduction) **(LD 7, PO 3.42.2, RT N)**
- F. *Unlawful Sexual Intercourse With Minor **(LD 9, PO 3.21.10, RT G)**
- G. *Child Molesting:
 - 1. Misdemeanor Child Molesting or Annoyance **(LD 9, PO 3.21.6, RT E)**
 - 2. Felony Child Molesting (Lewd acts on body of a child) **(LD 9, PO 3.21.5, RT D)**
 - 3. Continuing Sexual Abuse of a Child
- H. *Obscenity and Pornography laws **(LD 9, PO 3.21.9, RT F)**

VII. Arson and Related Crimes (Learning Domain # 6)

Describe, in detail, the laws relating to the burning of property, including:

- A. Arson **(LD 6, PO 3.16.1, RT M)**
 - 1. Attempted Arson **(LD 6, PO 3.16.3, RT M)**
- B. Burning of Real and Personal Property **(LD 6, PO 3.16.1, RT M)**
 - 1. Destroying insured property
- C. Aiding, Counseling or Procuring the burning of structures, land or other property **(LD 6, PO 3.16.3, RT O)**

D. Possession of Fire Bombs **(LD 6, PO 3.16.2, RT N)**

E. Transmitting False Fire Alarms

F. Arson Offender Registration Laws

VIII. Theft and Forgery (Learning Domain # 6)

Describe, in detail, the crimes of:

A. Theft, including:

1. Larceny

a. Shoplifting

b. Vehicle Theft and Joyriding **(LD 6, PO 3.9.4, RT P)**

c. Appropriation of Lost Property **(LD 6, PO 3.9.3, RT C)**

2. Theft by false pretenses

a. Defrauding An Innkeeper **(LD 6, PO 3.9.2, RT B)**

3. Theft by trick and device

4. Embezzlement **(LD 6, PO 3.9.1) (LD 6, PO 3.11.1, RT D)**

B. Degrees of Theft and Penalties

1. Grand Theft **(LD 6, PO 3.9.1, RT A 1)**

2. Petty Theft **(LD 6, PO 3.9.1, RT A 2)**

C. Related Crimes:

1. Credit card crimes, including stealing, forging and altering credit cards

2. Unauthorized Copying and Sale of Recorded Materials

a. Audio

b. Video

c. Computer Software

3. Computer Crimes

a. Unauthorized access to computer system

b. Deleting or altering data in computer system

c. Introducing virus into computer system

D. Forgery (**LD 6, PO 3.12.1, RT E**)

1. Passing “NSF” Checks (**LD 6, PO 3.12.2, RT Q**)

E. *Repossession of property (**LD 6, PO 8.8.1, RT R**)

1. Rights of a seller to repossess property
2. Rights of a buyer to be free from illegal interference by the reposessor

F. *Landlord and Tenant disputes (**LD 6, PO 8.29.1, RT S**)

1. Rights of a landlord to evict a tenant
2. Rights of a tenant to be free from illegal eviction, seizure of their property, or interference with their lawful occupancy of the property

IX. Robbery, Extortion And Car-jacking (Learning Domain # 7)

Explain in detail the crime of robbery, and related crimes, including:

A. Robbery (**LD 7, PO 3.25.1, RT G**)

1. Elements of Robbery
2. Degrees of Robbery and Penalties
 - a. Robbery penalty enhancements
3. Car Jacking (**LD 7, PO 3.25.2, RT P**)

B. Extortion (**LD 7, PO 3.10.1, RT A**)

X. Burglary & Receiving Stolen Property (Learning Domain # 6)

Describe, in detail, all the elements of the crimes of:

A. Burglary (**LD 6, PO 3.13.2, RT G**)

1. Elements of Burglary
2. Degrees and Penalties of Burglary (**LD 6, PO 3.13.2, RT G**)

B. Burglary with explosives.

C. Possession of Burglary Tools (**LD 6, No PO, RT H**)

D. Receiving Stolen Property (**LD 6, PO 3.14.1, RT J**)

1. Possession or sale of items with defaced serial numbers (**LD 6, PO 3.13.5, RT I**)

XI. Laws Relating To Private Property Rights (Learning Domain # 6)

A. Trespassing:

1. Format and Content of Trespassing Laws
2. Entering and Occupying Real Property (**LD 6, PO 3.13.1, RT F 1**)
3. Trespass to land (**LD 6, PO 3.13.1, RT F 2**)
4. Party crashing
5. *Illegal Lodging (**LD 8, PO 3.22.2, RT E 7**)
6. Trespassing with a Credible Threat to Cause Injury (**LD 6, RT F 4**)

B. Malicious Mischief (vandalism) (LD 6, PO 3.15.1, RT K)

1. Graffiti damage

C. *Damaging property or property rights or interfering with lawful business activities (LD 6, PO 3.13.1, RT F1 & F3)

D. *Repossession of property (LD 6, PO 8.8.1, RT R)

1. Rights of a seller to repossess property
2. Rights of a buyer to be free from illegal interference by the reposessor

E. *Landlord and Tenant Disputes (LD 6, PO 8.29.1, RT S)

1. Rights of a landlord to evict a tenant
2. Rights of a tenant to be free from illegal eviction, seizure of their property, or interference with their lawful occupancy of the property

XII. Crimes Against The Justice System (Learning Domain # 39)

A. Bribery (LD 39, PO 3.8.1, RT A)

1. Public officials accepting rewards, fees or gratuities for performing official duties

B. Perjury (LD 39, PO 3.8.2, RT B)

1. Subornation of perjury

2. Soliciting perjury
3. Falsification of evidence
4. Effect that a violation of perjury laws could have on the career of an officer

C. Contempt of Court (Violation of Court Order) **(LD 39, PO 3.8.9, RT M)**

1. Civil Contempt
2. Criminal Contempt

D. False Reports

1. Providing false information to an officer **(LD 39, No PO, RT K)**
2. False police report filed by an officer **(LD 39, PO 3.8.6 & PO 3.8.8, RT E)**
3. False reports of an emergency
 - a. False fire alarms
 - b. False bomb reports
4. Barratry

E. Crimes Relating to Obstructing Justice:

1. Obstructing an officer (resisting arrest, delaying, interfering, etc.) **(LD 39, PO 3.8.5, RT D)**
2. Impersonating an officer **(LD 39, PO 3.8.4, RT C)**
3. Threatening or intimidating public officials, victims or witnesses **(LD 39, PO 3.23.7, RT L)**
4. Embracery

F. Refusing to Assist an Officer (“Posse Comitatus” Law) **(LD 39, PO 3.8.7, RT F)**

XIII. Crimes Against Public Peace And Order (Learning Domains 6, 8 and 39)

A. Disturbing the peace **(LD 8, PO 3.22.1, RT D)**

1. Elements of each form of Disturbing The Peace
2. Enforcement policies

B. Disturbing public meetings **(LD 8, PO 3.22.4, RT G)**

1. Political meetings

- 2. Religious services
- C. School Disturbances
 - 1. Unlawful entry to school grounds
- D. Public Disturbances:
 - 1. Riot, inciting to riot, rout (**LD 39, PO 3.23.3, RT I**)
 - 2. Rescue, escape and lynching (**LD 39, PO 3.23.4, RT J**)
 - 3. Enforcement difficulties and constitutional conflicts
- E. Unlawful Assemblies (**LD 39, PO 3.23.1, RT G**)
 - 1. Enforcement requirements:
 - a. Dispersal orders (**LD 39, PO 3.23.2, RT H**)
 - b. First amendment rights to freedom of speech and assembly
- F. *Damaging Property or Property Rights or Interfering with Lawful Business Activities (**LD 6, PO 3.13.1, RT F1 & F3**)
- G. Injuring Dogs and Horses Used for Law Enforcement Purposes
- H. California Emergency Services Act
 - 1. Civil disturbances and the declaration of martial law
- I. Police authority to close disaster areas (**LD 8, PO 8.41.3, RT J**)

XIV. Statutes Affecting Public Health, Safety and Welfare, (Learning Domains # 6, 8, 12 & 28)

- A. "Public Nuisances" (**LD 8, No PO, RT F**)
 - 1. Definition
 - 2. Abatement proceedings used to eliminate public nuisances
- B. Begging and Obstructing Sidewalks (**LD 8, PO 3.22.5, RT H**)
- C. Obscene Phone Calls
- D. Cruelty To Animals (**LD 6, No PO, RT L**)
- E. Disorderly Conduct:

Law Enforcement

1. *Engaging in Lewd Conduct in Public (**LD 8, PO 3.22.2, RT E 1**)
2. *Prostitution (**LD 8, PO 3.22.2, RT E 2**)
 - a. Definitions of prostitution, pimping, and pandering
3. *Loitering About A Public Toilet (**LD 8, PO 3.22.2, RT E 3**)
4. Public Intoxication (**LD 8, PO 3.22.2, RT E 4**)
 - a. Civil protective custody and detoxification procedures
5. *Prowling (**LD 8, PO 3.22.2, RT E 5**)
6. *Peeping (**LD 8, PO 3.22.2, RT E 6**)
7. *Illegal Lodging (**LD 8, PO 3.22.2, RT E 7**)
8. *Bathroom Peepholes (**LD 8, PO 3.22.2, RT E 8**)

F. Vice Laws:

1. Definition, Origin and Objectives of “Vice” Laws
2. *Obscenity and Pornography Laws (**LD 9, PO 3.21.9**)
3. *Prostitution (**LD 8, PO 3.22.2, RT E 2**)
4. California Gambling Laws (**LD 8, PO 3.30.1, RT I**)
 - a. Definitions of “gaming,” “lottery,” “endless chain scheme,” and “bookmaking”
 - b. Permissible forms of gambling
 - c. Illegal types of gambling

G. Littering laws

1. Unique features of littering laws

H. Driving Under the Influence:

1. Define “drunk” vs. “under the influence”
2. Describe “implied consent law”
3. Describe “presumption of alcoholic influence” law

4. Misdemeanor and felony drunk driving **(LD 28, PO 9.5.2 RT U)**

- a. Elements
- b. Penalties

I. Failure to provide laws:

- 1. For children
- 2. For spouses
- 3. For indigent parents

XV. Weapons Violations (Learning Domain # 40)

- A. Supreme Court interpretation of the second amendment right to bear arms
- B. Fundamental goals and objectives between federal and state weapons control laws
- C. Carrying weapons, including guns and knives, on school property **(LD 40, PO 3.24.10, RT J)**
- D. Purchase, possession, and ownership of firearms and other weapons:
 - 1. Definition of “Firearm” **(LD 40, No PO, RT O)**
 - 2. Waiting period for firearms purchase
 - 3. Firearms purchases to be made through licensed dealers unless purchaser is personally known to seller
 - 4. Firearms sales to or possession of firearms by minors
 - 5. Possession of switchblade knives **(LD 40, PO 3.24.3, RT C)**
 - 6. Manufacture, sale, or possession of prohibited deadly weapons, including pen guns, belt buckle guns, Nanchakus, short-barreled rifles and shotguns, billy clubs and saps, dirks and daggers, Shuriken throwing stars, zip guns, etc. **(LD 40, PO 3.24.4, RT D)**
 - 7. Possession of an assault weapon **(LD 40, No PO, RT N)**
 - 8. Possession or ownership of firearms by convicted felons or persons convicted of certain misdemeanors **(LD 40, PO 3.24.5, RT E)**
- E. Possessing or carrying a concealed weapon **(LD 40, PO 3.24.6, RT F)**
 - 1. Exceptions to firearms possession laws **(LD 40, PO 3.24.11, RT K)**
- F. Carrying a loaded firearm, concealed or not, in a public place **(LD 40, PO 3.24.7, RT G)**

Law Enforcement

- G. *Possession of a weapon with intent to commit an assault (**LD 40, PO 3.24.12, RT L**)
- H. Shooting at an inhabited or occupied building (**LD 40, PO 3.24.2, RT B**)
- I. *Displaying a firearm or other weapon in a threatening manner (**LD 40, PO 3.24.1, RT A**)
- J. Altering identifying marks on a firearm (**LD 40, PO 3.24.8, RT H**)
- K. Possession of destructive devices, including bombs, grenades, etc.
- L. Possession of tear gas and tear gas weapons (**LD 40, PO 3.24.9, RT I**)
- M. Possession or use of stun (electric shock) weapons
 - 1. Possession or use of “Taser” weapons
- N. Unsafe storage of firearms (**LD 40, PO 3.24.13, RT M**)
- O. Possession of a weapon in a public building (**LD 40, No PO, RT P**)

XVI. Liquor Law Violations (Learning Domain # 13)

- A. Selling or giving any alcoholic beverage to a person who is obviously intoxicated (**LD 13, PO 3.36.5, RT C**)
- B. Sales of alcoholic beverages between 2 A.M. and 6 A.M. (**LD 13, PO 3.36.6, RT D**)
- C. Selling or giving any alcoholic beverage to a person under 21 years of age or purchasing alcohol for consumption by such a person (**LD 13, PO 3.40.1, RT E**)
- D. Any person under 21 possessing or consuming an alcoholic beverage (**LD 13, PO 3.40.2, RT F**)
- E. Any person under 21 being present on premises licensed only for “on-sale” of alcoholic beverages (**LD 13, PO 3.40.3, RT G**)

XVII. Laws Affecting Juveniles (Learning Domain # 11)

- A. Minimum and maximum ages under which a child may come under the jurisdiction of the juvenile court
 - 1. Conditions for transfer of juvenile cases to adult court
- B. Conditions under which a minor may be taken into custody by police (**LD 11, PO 3.41.5, RT C**)

Resources:

Recommended Resources and Student Materials:

A. Student Classroom Workbooks:

1. McGrath, Richard. California Criminal Law Workbook, Kendall/Hunt Publishing Co., Dubuque, Iowa, Latest Edition
2. McGrath, Richard. Legal Research Programmed Workbook, Kendall/Hunt Publishing Co., Dubuque, Iowa, Latest Edition (If student has not had Concepts of Criminal Law)

B. Texts:

1. California Penal Code - Various publishers.
2. Payton, George. Peace Officer's Guide To Criminal Law. San Jose, CA: Criminal Justice Services.
3. Reid, Sue Titus, Criminal Law, New York, NY: MacMillan Publishing Co.
4. Wallace, Harvey and Cliff Roberson. Principles of Criminal Law, White Plains, NY: Longman Publishers.
5. Gardner, Thomas and Terry Anderson. Criminal Law, Principles & Cases, 5th ed. St. Paul, MN: West Publishing Co., 1992.
6. Gifis, Steven. Barron's Law Dictionary. Woodbury, NY: Barron's Educational Series.
7. Robinson, Paul. Fundamentals of Criminal Law. Little, Brown & Co.
8. Kaplan, John and Robert Weisberg. Criminal Law Cases and Materials. Little, Brown & Co.
9. Chamelin, Neil and Kenneth Evans. Criminal Law For Policemen. Englewood Cliffs, NJ: Prentice-Hall Publishing Co.
10. Felkenes, George. Criminal Law and Procedure, Englewood Cliffs, NJ: Prentice-Hall Publishing Co.
11. Gammage, Allen Z. and Charles Hemphill. Basic Criminal Law. New York, NY: McGraw-Hill Publishing Co.

Substantive Criminal Law - Sample Lesson Plan:

Robbery, Extortion And Car Jacking

Prepared by: Richard McGrath, Cerritos College, Norwalk, CA

Introduction:

Robbery is a crime which has the combined characteristics of being both a crime against persons and a crime against property. One of the elements of every robbery is that a theft must occur... some property must be stolen. Thus robbery may be classified as a crime against property. In addition, in every robbery there must be a forceful, face to face encounter between the robber and his victim. Therefore, it may also be considered to be a crime against the person. It is this required contact between the robber and the victim that makes robbery one of the most dangerous of crimes. There is always the possibility of death or serious injury to the victim. Unfortunately, robbery is growing in frequency and is becoming more violent in nature. It is also becoming more prevalent among juveniles. Many tragedies have occurred, for both robbers and victims, when the juvenile criminal panics and attacks the victim, resulting in death or serious injury to either or both parties.

Objectives:

Upon completing this chapter, the student should be able to thoroughly describe the crimes of robbery, extortion, car jacking, and related crimes, including:

1. Robbery (**LD 7, PO 3.25.1, RT G**)
 - a. Degrees of robbery and penalties
 - b. Robbery penalty enhancements, including an analysis of armed enhancements.
2. Car Jacking (**LD 7, PO 3.25.2, RT P**)
3. Extortion (**LD 7, PO 3.10.1, RT A**)

References:

California Penal Code: Sections 211 - 214, 518 - 524 and 12022 - 12022.7.

Introduction for Students:

Review of Theft: Oral Questions for class:

1. Define larceny.
2. What are the four types of theft?
3. What is "asportation?"
4. What is the difference between grand theft and petty theft?

5. In order to convict a defendant of grand theft for the theft of an automobile, how much must the car be worth?

Lecture Outline:

Introduction:

- A. Importance of knowing about robbery:
 1. Robbery is one of the fastest growing crimes.
 2. One of the most dangerous crimes because of direct face to face contact with victim.

I. Elements of Robbery: (211 PC)

- A. Felonious taking of personal property
- B. From the person or immediate presence of another
- C. Through the use of force or fear

II. Analysis:

- A. Felonious (unlawful) taking of personal property:
 1. Includes all the elements of a larceny:
(Peo. vs. Church, 116 C 300; Peo. vs. Clary, 72 C 59)
 - a. Control and movement of the personal property of another
 - b. Without consent of owner
 - c. With intent to permanently deprive the owner of the property
 - (1) Recovering own money lost in an unfair card game is not robbery—no intent to deprive another. May be an assault, however.
 - (2) Forcefully taking property in mistaken good faith, believing it to be own property is not robbery.
 - (a) Example: Forcefully taking vehicle from another where defendant honestly believed he had the right to repossess the vehicle was not theft, and therefore not robbery.
- B. From the person or immediate presence of another:
 1. Usually something carried by victim or under his or her immediate control: wallet, watch, money, cash register contents, etc.

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- a. This direct contact between the victim and robber is what makes robbery a more dangerous crime than simple theft or burglary.
- b. Includes objects not under the immediate control of victim if defendant forces victim to leave or prevents victim from approaching to stop defendant. (Store manager, 100 ft. away, sees defendants taking merchandise. Starts toward them to prevent theft but stops when one defendant points a gun at him. Still guilty of robbery.)

C. By use of force or fear: (not force and fear)

1. Force: (Physical Force)

- a. More than the force needed to simply carry away the stolen property.
- b. Requires force sufficient to overcome the resistance of the victim.

Example:

- (1) Suddenly snatching a purse from under victim's arm is grand theft, but where victim resists and is knocked down it is robbery. (People vs. Jefferson, 31 CA2 562)

2. Fear (212 PC):

- a. The required fear may be of either:
 - (1) present or future injury to the person or property of the victim or to a relative or family member; or
 - (2) immediate injury to the person or property of anyone in the presence of the victim.

Examples:

“Give me your money or . . .

I'll smash your plate glass window” - robbery

I'll shoot this customer right now” - robbery

I'll shoot this customer tomorrow” - not robbery

I'll kill your brother tomorrow” - robbery

- b. Fear may be inferred if circumstances were such that average person would have been put in fear, even though victim denies being afraid.

(1) Examples:

- (a) Victims had reported to police that they were not afraid of the gun pointed at them. Jury was justified in finding that they were actually put in fear, regardless of their claim to the contrary. (People vs. Renteria - 61 C2 497, People vs. Harris - 65 CA3 978)

3. Purpose of force or fear:

- a. Force or fear may be used to:

(1) Gain control of the property

(2) Escape from scene

(3) Prevent victim from retaking property

Example: Defendant grabs purse from under victim's arm without force - grand theft rather than robbery. But victim chases defendant and is knocked down trying to recover purse - raises the grand theft to robbery. (Peo. vs. Anderson, 64 C2 673 - 1966) (Peo. vs. Estes, 147 CA3 23 - 1983)

4. Trend:

- a. Robbery through fear (threatening victim) has always been more common than robbery through use of actual physical force (assaulting victim). However, this is changing with the increase in carjackings and home invasions involving the immediate use of violent force against the victims in order to gain their compliance with the robber's demands.

III. Degrees of Robbery (212.5 PC):

A. First Degree:

- 1. Robbery occurring in inhabited dwelling
 - a. May be hotel or hotel lobby (People vs. John Dixon Wilson 2-89)
 - b. Inhabited vessel included in definition of dwelling
- 2. Robbery in public transportation vehicle (Cab or bus driver, street car operator, or passenger in such vehicle)
- 3. Robbery at or in immediate vicinity of bank ATM machine

B. Second degree:

- 1. Any other type of robbery: (Store, bank, gas station, street mugging, etc.)
 - a. Most robberies are second degree.

IV. Penalties for Robbery (213 PC):

A. First degree: Felony - 3, 4, 6 years

- 1. Robbery in a residence by 2 or more suspects working together—3, 6, 9 years

B. Second degree: Felony - 2, 3, 5 years (only 40% of either 1st or 2nd degree convictions receive prison - 60% placed on probation)

C. Common Robbery Enhancements:

1. Armed with Firearm (12022 (a) PC):

- a. Weapon is either carried or available for immediate use. Immaterial whether weapon is actually used or not or whether victim is aware of weapon or not.

Examples: Gun left on bench outside door to market—defendant considered armed. Defendant may arm himself during robbery by taking victim's gun (Peo. vs. Wallace, 40 CA2 1)

(1) Additional penalty: 1 year

(a) All principals are liable

2. Use of Firearm (12022.5 PC):

- a. Defendant either fires gun, uses it to strike victim or displays it to victim as threat

(1) Additional penalty: 3, 4 or 10 years

- b. Use of firearm during carjacking: 4, 5, 10 yrs.

3. Use of deadly or dangerous weapon other than a firearm (12022 (b) PC):

- a. Club, blackjack, brass knuckles, knife, hammer, cane, baseball bat:

(1) Additional Penalty: 1 year

Instructor's Note:

Be sure the class understands the rationale for the enhancements for being armed. They are not related to the victim's knowledge or feelings. They are solely related to the added danger to the victim. Whether the victim knows about it or not is immaterial.

Emphasize this and ask several problem questions for class response. You will probably have to repeat it several times to get the correct responses from everyone.

Theory and rationale of armed robbery enhancement:

Penalty is greater because of greater danger to victim when suspect is carrying or uses a weapon.

If defendant carries gun in back pocket but never displays it and victim is unaware of gun, it is still armed robbery because victim was in danger even though he did not realize it.

If defendant puts finger in pocket and points it at victim, simulating gun, there is no armed enhancement, even though victim believes it to be gun and is frightened. Victim was not in danger from a weapon, and victim's knowledge or belief is immaterial in establishing enhancements.

Unloaded gun: Still considered armed - can be used as a club

(Peo. vs. Egan, 49 CA 775)

(Peo. vs. Navarro, 212 CA 302)

(Peo. vs. Raleigh, 128 CA 105)

Toy pistol: If heavy enough to use as a club - armed enhancement

If too light to use as a club - no enhancement

4. Serious injury to victim - 3 years enhancement
5. Value of Stolen Property:
 - a. Stolen property valued at over \$50,000 - 1 year enhancement
 - b. Stolen property valued at over \$150,000 - 2 years
 - c. Stolen property valued at over \$1,000,000 - 3 years
 - d. Stolen property valued at over \$2,500,000 - 5 years
6. Prior convictions - 1 year or 3 years added for each prior conviction, depending on seriousness of prior felony.
7. Prior convictions may also invoke 3 strikes law, carrying 25 years to life.

V. Train Robbery (214 PC):

A. Any act committed for the purpose of causing a train robbery

1. Boarding train, interfering with operation, etc.

B. Felony: 16 mo., 2 yr., 3 yr.

VI. Extortion (518 PC) (Blackmail):

A. Obtaining property with victim's consent but through force, fear, threat, or color of official right:

1. To cause injury to victim, property or third party
2. To accuse of crime
3. To expose any secret, disgrace or crime

B. Comparison with robbery:

1. In extortion, property need not be taken from victim's immediate presence.
2. Threat of injury is just one possibility in extortion.
 - a. Victim usually consents because of fear of damage to reputation.

3. In extortion, victim consents to taking but is choosing lesser of two evils.

4. Examples:

a. "Pay me or I'll tell your wife about your girlfriend."

b. "Pay me to protect you, or your store will be burned down."

C. Penalty: 2, 3, or 4 years

D. Sending extortion letter (523 PC):

1. Sending letter to extort money or property

2. Crime is complete the moment letter is deposited in mail.

VII. Carjacking (215 PC):

A. Simply a variation of robbery.

B. Elements:

1. Taking a motor vehicle

2. From the person or immediate presence

3. Of the driver or a passenger

4. Through use of force or fear

C. Unlike robbery, intent may be to take vehicle permanently or temporarily.

D. Penalty:

1. Felony - 3, 5 or 9 yrs.

Application:

For student class activity:

A. Define or Describe:

1. Robbery (May pick 3 students - 1 for each element)

2. Extortion

3. First Degree Robbery

4. Armed with Firearm

5. Use of Firearm

B. Problem exercises:

In each of the following, has a crime occurred? If so, what crime? If robbery, what degree of robbery, and is there an enhancement?

1. Mary works for a drugstore and has the task of taking the day's receipts to the bank. She carries the money in a plain paper bag under her arm. While she is enroute to the bank, Felonious Phil walks up behind her and snatches the bag from under her arm before she realizes what has happened. He runs down the street with the bag containing \$350.00 while Mary screams that she has been robbed.

Not robbery - No fear and insufficient force

Guilty of Grand Theft - Taking property from person of victim, regardless of amount

2. Hiram walks into Pete's store and simulates a gun by sticking his finger in his jacket pocket. Pete believes Hiram has a gun and is scared out of his wits with fear that he will be shot. Hiram demands the money from the cash register, and Pete gives it to him.

Second degree robbery - Not a residence, public transit or ATM, so not first degree

No enhancement - Pete was put in fear of injury, but Hiram was not actually armed with a deadly weapon, so no enhancement.

Introduction to Evidence

Prepared by: Ray Hill, Santa Rosa Junior College, Santa Rosa, CA

Purpose of the Course:

The purpose of this course is to provide instruction on the statutory, constitutional, and judicial rules which govern the introduction and admissibility of evidence in a criminal prosecution. The course will provide students with a job-related understanding of statute and case law relating to testimonial, documentary, real and physical evidence that apply during a criminal investigation, as well as an overview of how these rules of evidence are argued in the courtroom during motions and at trial.

Course Objectives:

1. The student will gain a working understanding of the role of the rules of evidence through study of the California Evidence Code and, where applicable, the Federal Rules of Evidence.
2. The student will learn about the introduction of testimonial, documentary, real and physical evidence during motions and trial, and about circumstances where evidence can be excluded for legal reasons, through study of case law decisions.
3. The student will learn about the constitutional basis of evidence through review of judicial decisions covering discovery, right of confrontation, the collection and preservation of evidence, self-incrimination, admissions and confessions, and methods of identification.
4. The student will gain an understanding of the protection against unreasonable searches and seizures of people, houses, and personal property, and when reasonable searches can be conducted, through study of case law decisions.
5. The student will learn about the adversarial presentation and examination of evidence and the roles of the district attorney, defense counsel, and trier of fact in this process.
6. The student will be able to define and explain job-related legal terminology concerning the presentation of evidence.
7. The student will learn instructional material covered in Learning Domain #17 - Presentation of Evidence (minimum 8 hours) as specified by the California Commission on Peace Officer Standards and Training (P.O.S.T.) for the Basic Law Enforcement Course. There also will be redundancy of some instructional material covered in Learning Domain #2 (Criminal Justice System) when necessary for logical articulation between related subject areas.
8. The student will learn instructional material covered in Learning Domain #16 - Search and Seizure (minimum 12 hours) as specified by the California Commission on Peace Officer Standards and Training (P.O.S.T.) for the Basic Law Enforcement Course. There also will be redundancy of some instructional material covered in Learning Domain #15 (Detentions, Arrest, Miranda) when necessary for logical articulation between related subject areas.

Catalog Course Description

Origin, development, philosophy and legal basis of evidence; types and ways of presenting evidence; judicial decisions and statutory rules of evidence governing the admissibility of testimony, writings, and material objects at motions and criminal trial; constitutional and procedural considerations affecting searches and seizures, methods of identification, and admissions and confessions.

Instructional Strategies

Teaching techniques that address a variety of learning styles.

Oral class presentations requiring deductive analysis from textbook reading, word-picture scenarios, and case law decisions.

Written exercises requiring deductive analysis from textbook reading, word-picture scenarios, and case decisions.

Related legal research and assigned case briefs.

Legal terminology and vocabulary building exercises.

Guest speakers.

Field trip to court (1538.5 P.C. or 402 (b) E.C. motion).

Video tapes and other audio-video aids with focused discussions.

Communications skills exercises emphasizing the rules of evidence (e.g. moot court).

Note to Instructors

The Introduction to Evidence course is intended to accomplish three primary instructional objectives:

1) to provide statewide instructional continuity in the course presentation. Ideally, a student will be receiving instruction on similar topics areas no matter which community college he or she attends. Students successfully completing this course will have acquired a working knowledge of the rules of evidence necessary to seek entry-level employment in justice-related occupations.

2) to incorporate Learning Domains from the Basic Law Enforcement Course curriculum. This is part of "Transition Course - Pilot Project" being conducted by the California Commission on Peace Officer Standards and Training (1996). Those cognitive knowledge areas currently being taught in the Basic Law Enforcement Course curriculum will be covered in the Administration of Justice community college curriculum. The goal here is that the community college Administration of Justice programs will become the primary educational preparation component for law enforcement training (Phase I); and the basic police academies will be the primary skills training component (Phase II). The Introduction to Evidence course will provide students with the necessary knowledge to address related subject material on the P.O.S.T. comprehensive entry test into the Phase II Basic Academy. The "Transition Program" pilot alternative will become a future option for completion of the Basic Law Enforcement Course for pre-employment, non-affiliated students seeking law enforcement careers.

The Training Specification number (i.e. L.D. #16E or L.D. #17F), and the P.O.S.T. Basic Course Knowledge Test Number (i.e. 4.1.1 or 4.7.1), accompanies cognitive knowledge areas being transitioned into the Administration of Justice community college curriculum. It is noted that the academic exposure and instructional breadth which is encompassed in the Introduction to Evidence curriculum exceeds the minimum hours and content for similar instruction taught currently in the P.O.S.T. Basic Law Enforcement Course.

3) to competently prepare students who plan to transfer to a four year university and must complete an upper division Evidence course in pursuit of the Bachelor's degree in Criminal Justice.

Several areas of importance are relevant in placing the accompanying course outline into instructional perspective:

- 1) This course outline is not meant to preempt additional topic areas which, within an instructor's experience and academic freedom, are deemed relevant to teaching Introduction to Evidence. The proposed curriculum represents topics that can be covered from a fifteen week to an eighteen week semester. Instructors may wish to devote additional time to testing, field trips, expansion of topic areas, and other discretionary activities which may be conducted differently at each college.
- 2) This outline represents the principal topic areas to be covered during this course. The topic areas may be taught in any sequence which an instructor feels is logical to accommodate instructional scheduling and needs.
- 3) During the presentation of this course, instructors should integrate and stress professional and ethical responsibilities in the collection, documentation, and preservation of evidence. Students should understand that a peace officer's professional neutrality in following the rules of evidence is essential to our due process system of justice. Officers gather and record testimony, writings, and material objects without regard as to whether the evidence will benefit the prosecution or the defense. It is as much a law enforcement officer's duty to exonerate a suspect as it is to gather evidence that can result in a conviction.

Course Outline

I. Introduction To Evidence

- A) Definition of Evidence (4.1.7) - **L.D. #17F**
 1. Statutory Definition (140 E.C.)
- B) Proof (4.1.7) - **L.D. #17F**
 1. Degree of Belief Created Through Evidence (190 E.C.)
- C) Burden of Proof (4.1.7) **L.D. #17H**
 1. Legal Obligation to Present Evidence (115 E.C.)
 2. Adversarial Nature of Burden of Proof
- D) Reasons for the Rules of Evidence (4.1.7)- **L.D. #17E**
 1. Prevent Jurors from Becoming Confused or Misled
 2. Prohibit the Introduction of Illegally Obtained Evidence
 3. Prohibit the Introduction of Prejudicial, Unreliable, or Time-consuming Evidence (352 E.C.)
 4. Magistrate as Trier of Fact in Legal Rulings
- E) Purposes for Offering Evidence in Court (4.1.3) - **L.D. #17C**
 1. Item of Proof (4.1.7)
 2. Impeach a Witness
 3. Rehabilitate a Witness
 4. Assist in Determining Sentence
- F) Tests for the Admissibility of Evidence (4.1.4) - **L.D. #17D**
 1. Relevancy (210, 350, 351 E.C.)
 2. Competency (700 E.C.)
 3. Legally Obtained (Meets Constitutional and Legal Standards).

- G) Sources of Evidence Law
 - 1. Evidence Code
 - 2. U.S. and California Constitution
 - 3. Case Law
- H) U.S. Supreme Court and Selective Incorporation of the Bill of Rights as Applied to the Rules of Evidence
 - 1. Case Law Interpretations of the 4th, 5th, 6th & 14th Amendments.
- I) California Constitution and Initiatives as Applied to the Rules of Evidence
 - 1. Victim's Bill of Rights (Prop. 8)
 - 2. Crime Victim's Justice Reform Initiative (Prop. 115)

II. Types Of Evidence

- A) Common Terminology Associated with the Introduction of Evidence
 - 1. Testimonial (Testimony) (4.1.7) - **L.D. #17B**
 - 2. Documentary (Writings) (4.1.7) - **L.D. #17B**
 - 3. Real (Material Objects) (4.1.7) - **L.D. #17B**
 - 4. Demonstrative Evidence
 - 5. Physical Evidence
 - 6. Relevant Evidence (4.1.4) - **L.D. #17D/17F**
 - 7. Admissions and Confessions (4.1.7) - **L.D. #17F**
 - 8. Hearsay Evidence (4.1.7) - **L.D. #17J**
 - 9. Consciousness of Guilt Evidence

III. Ways Of Presenting Evidence

- A) Explain Common Ways that Evidence is Presented in Court
 - 1. Direct Evidence (410 E.C.) (4.1.1 / 4.1.7) - **L.D. #17A**
 - 2. Circumstantial Evidence (4.1.1 / 4.1.7) - **L.D. #17A**
 - 3. Presumption (600 (a) E.C.)
 - 4. Inference (600 (b) E.C.)
 - 5. Judicial Notice (451-452 E.C.)
 - 6. Stipulation

IV. Witness Testimony

- A) Types of Witnesses - **L.D. #17B**
 - 1. Lay Witness (702 E.C.)
 - 2. Expert Witness (720 (a) E.C.)
- B) Subpoena (4.1.7) - **L.D. #17G**
 - 1. Who Can Issue a Subpoena (1326 P.C.) (4.4.2)
- C) Opinion Evidence Rule
 - 1. Common Opinion Evidence Areas (800 E.C.)

V. Witness Competency And Credibility

- A) Competency - **L.D. #17D**
 - 1. Presumption and Burden of Proof (700 E.C.)
 - 2. Tests for Competency (701 E.C.)
- B) Credibility (780/785 E.C.)
 - 1. Impeachment Examples (4.1.3) - **L.D. #17C**
 - 2. Rehabilitation Examples (4.1.3) - **L.D. #17C**

VI. Documentary Evidence (Writings)

- A) Examples of Writings - **L.D. #17B**
 - 1. Authentication (1400/1401 E.C)
 - 2. Best and Secondary Evidence (1500/1511 E.C.)
 - 3. Gruesome Photographs

VII. Real And Physical Evidence (Material Objects)

- A) Examples of Material Objects - **L.D. #17B**
 - 1. Fruits of a Crime
 - 2. Instrumentalities of a Crime
 - 3. Contraband
 - 4. Physical Evidence
- B) Rules Concerning the Introduction of Material Objects
 - 1. Authentication
 - 2. Chain of Possession
 - 3. Duty to Collect/Preserve Evidence

VIII. Privileges And Privileged Communications

- A) Testimonial Privileges
 - 1. Privilege Against Self-incrimination
 - 2. Husband-Wife Testimonial Privilege (970/971 E.C.)
 - 3. Officer-Informant Privilege (1040-1042 E.C.)
 - 4. Newshield Privilege (1070 E.C.)
- B) Confidential Communications Privileges
 - 1. Husband-Wife Confidential Communications Privilege (980/985 E.C.)
 - 2. Attorney-Client Privilege (952 E.C.)
 - 3. Clergy-Confessor Privilege (1032 E.C.)
 - 4. Doctor-Patient Privilege (992/998 E.C.)

IX. Hearsay Evidence

- A) Hearsay Evidence (1200 E.C.) (4.1.7) - **L.D. #17J**
 - 1. Why Hearsay is Generally Inadmissible
- B) Hearsay Evidence Exceptions (4.1.7) - **L.D. #17J**
 - 1. Admissions and Confessions (1220/1230 E.C.) (4.6.3) - **L.D. #17J**
 - 2. Dying Declarations (1242 E.C.) (4.6.3) - **L.D. #17J**
 - 3. Spontaneous Statements (1240/1241 E.C.) (4.6.3) - **L.D. #17J**
 - 4. Business and Official Records (1270/1280 E.C.) (4.6.3) - **L.D. #17J**
 - 5. Prior Statements of Witnesses/Past Recollection Recorded (1235-1237 E.C.) (4.6.3) - **L.D. #17J**
 - 6. Hearsay Testimony at Preliminary Hearings (872 (b) P.C.) (4.6.3) - **L.D. #17K**

X. Search And Seizure

- A) Search and Seizure Introduction
 - 1. 4th Amendment Provisions
 - 2. Search (4.7.2) - **L.D. #16A.1**
 - 3. Seizure of Property and Person (4.7.2) - **L.D. #16A.2**
 - 4. Probable Cause (4.7.1) - **L.D. #16A.3**
 - 5. Scope of Search (4.7.2) - **L.D. #16A.4**
- B) Exclusionary Rule
 - 1. Legal Provisions and Impact (4.1.7) - **L.D. #17I**
 - 2. Purposes of the Exclusionary Rule (4.6.1) - **L.D. #17I**

- 3. Fruits of the Poisonous Tree
- 4. Exceptions to the Exclusionary Rule
- C) Plain View Doctrine (4.7.1) - **L.D. #16D**
 - 1. Components of Plain View Seizure
- D) Detentions and Contacts
 - 1. Detention as a Seizure - Reasonable Suspicion Standard
 - 2. Contacts or Consensual Encounters
- E) Frisk or Pat-down Search (4.7.1) - **L.D. #16B.4**
 - 1. Officer Safety and Terry Standard
 - 2. Scope of Frisk (4.7.2) - **L.D. #16A.4**
- F) Arrest Search (4.7.1) - **L.D. #16B.2**
 - 1. Person
 - 2. Dwelling (4.7.1) - **L.D. #16B.2**
 - 3. Justification for Beyond Arm's Reach in a Dwelling
- G) Vehicle Search (4.7.1) - **L.D. #16F**
 - 1. Incident to Arrest
 - 2. Probable Cause (Auto Exception) (4.7.1) - **L.D. #16A.3**
 - 3. Closed Container Searches (4.7.1) - **L.D. #16G**
 - 4. Impound/Inventory Searches (Administrative)
- H) Search Warrant (4.7.1 / 4.7.2) - **L.D. #16C**
 - 1. Defined (1524 P.C.)
 - 2. Probable Cause and Affidavit (4.7.1) - **L.D. #16A.3**
 - 3. Service Requirements & Times - **L.D. #16C.1**
 - 4. Knock and Notice (4.7.2) - **L.D. #16C.2**
 - 5. Scope, Fortuitous Finds, Inventory (4.7.2) - **L.D. #16C.1**
 - 6. Inventory and Return
- I) Consent Search (4.7.1) - **L.D. #16B.1**
 - 1. Defined
 - 2. Knowingly and Voluntarily
 - 3. "Request-Choice"
 - 4. Admonition
 - 5. Express or Implied Waiver
 - 6. Constitutional Considerations
 - 7. Authority and "No Authority"
 - 8. Husband-Wife Rule and Exceptions
 - 9. Cotenant Rule and Exception
 - 10. Parent-Child Rule and Exceptions.
- J) Emergency Searches (4.7.1) - **L.D. #16B.3**
 - 1. Doctrine of Necessity -Exigency
 - 2. Danger to Life/Limb
 - 3. Danger of Serious Property Damage
 - 4. Escape of Suspect
 - 5. Destruction of Evidence
 - 6. Once Emergency Terminates, Another Search Basis is Required
- K) Parole Search (1.10.2) - **L.D. #16E**
 - 1. Defined
 - 2. Cause Needed to Conduct
 - 3. Prior Authorization Not Required, but recommended
- L) Probation Search (1.10.5) - **L.D. #16E**

1. Defined
2. Cause Needed to Conduct
3. Prior Authorization Not Required

M) Administrative Search

1. Searches Based Upon a Compelling State Interest

N) Forcible Seizure of Evidence - Prevent Attempt to Swallow Evidence (4.8.1 / 4.8.2 - **L.D. #16H**)

O) Forcible Seizure of Evidence - Stomach Pumping / Use of Emetics (4.8.1 / 4.8.2 - **L.D. #16H**)

P) Forcible Seizure of Evidence - Seizure of Blood (4.8.1 / 4.8.3 - **L.D. #16H**)

Q) Forcible Seizure of Evidence - Fingerprints and Exemplar Evidence (4.8.4/4.8.5 - **L.D. #16H**)

XI. Methods Of Identification

A) Infield Show up (4.7.2) - **L.D. #16I.1**

1. Contemporaneous
2. Avoiding Element of Suggestiveness
3. Fifth Amendment Issues
4. Transportation During an Infield Show up (4.9.1) - **L.D. #16I.1**

B) Photographic Lineup (4.7.2) - **L.D. #16 I.2**

C) Physical Lineup (4.7.2) - **L.D. #16 I.3**

XII. Self-incrimination And Miranda

A) When the Miranda Rule Applies

- 1) Adult
- 2) Minor

B) Custody and Interrogation Defined

C) Admonition, Waiver, Assertion

- 1) Admonition Content
- 2) Waiver - Knowingly, Intelligently, Voluntarily

D) Effect of Silence Assertion - Exceptions

E) Effect of Counsel Assertion - Exceptions

F) Fifth Amendment Violation and Exclusionary Rule

G) Exceptions to Miranda

- 1) Contacts
- 2) Traffic Stops
- 3) Detentions
- 4) Rescue Doctrine and Public Safety Exception
- 5) General on-Scene Questioning
- 6) Voluntary Interviews
- 7) Phone Calls

Sample Lesson Plan

A sample lesson plan is appended to this course outline for instructional use to accomplish the following objectives:

- 1) To expand upon the key instructional topics listed in the Introduction of Evidence course outline.
- 2) To promote uniformity in accomplishing Introduction to Evidence course objectives.
- 3) To incorporate Learning Domains #16 (minimum 12 hours instruction) and #17 (minimum 8 hours

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instruction) from the P.O.S.T. Basic Law Enforcement course into the Administration of Justice programs in the California Community Colleges.

- 4) To provide an instructor teaching Introduction to Evidence for the first-time a sample of recommended instructional material to be covered within the course curriculum.

Resources

Guest Speakers: District Attorney, Public Defender, Private Attorney, Magistrate, Detective or Investigator

Audio-Visual: Due to time considerations for this course, lengthy audio/visual presentations are not suggested. Selected segments with relevance to the topic area being discussed are recommended to stimulate discussion and learning retention. Resources include your local Public Safety Regional Training Center film library; Commission on Peace Officer Standards and Training (P.O.S.T.) Media catalog; P.O.S.T. monthly satellite broadcasts and telecourses; District Attorney- produced training tapes, i.e. Alameda County District Attorney “Point of View” series; excerpts from television documentary programs on law and justice subject to copyright and fair use regulations; and contacts with other teaching faculty through the California Association of Administration of Justice Educators (CAAJE).

Case Law Research: Selected appellate decisions from the United States Supreme Court, California Supreme Court, California District Court of Appeals, and the Ninth U.S. Circuit Courts of Appeal can be placed on reserve at your college library for student research use.

California Commission on Peace Officer Standards and Training: Basic Course Instructor Unit Guides are available for the Presentation of Evidence and Search and Seizure Learning Domains. Instructors should become aware of future mandated P.O.S.T. Basic Course curriculum changes affecting Introduction to Evidence and revise course outlines accordingly. Instructors are encouraged to attend P.O.S.T. Curriculum Updates for L.D. #16 and #17 in order to provide subject matter expertise into future curriculum development.

Readings on Introduction to Evidence:

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Introduction To Evidence - Sample Lesson Plan

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This sample lesson plan is appended to the course outline for instructional use in order to accomplish the following objectives:

- 1) To expand upon key instructional topics listed in the Introduction to Evidence course outline.
- 2) To promote uniformity in accomplishing Introduction to Evidence course objectives.
- 3) To incorporate Learning Domains #16 (minimum 12 hours) and #17 (minimum 8 hours) from the P.O.S.T. Basic Law Enforcement course into Administration of Justice programs in the California Community Colleges.
- 4) To provide an instructor teaching Introduction to Evidence for the first-time a sample of recommended instructional material to be covered within the course curriculum.

I. INTRODUCTION TO EVIDENCE

Given lecture examples, the student will be able to identify the definition of evidence, proof, and burden of proof; the reasons for the rules of evidence; the purposes for offering evidence in court; the tests for the admissibility of evidence; sources of evidence law; the impact of U.S. Supreme Court decisions applying the Selective Incorporation theory to the rules of evidence; and the impact of the California Constitution and voter approved initiatives on the rules of evidence.

A. Definition of Evidence (4.1.7 - L.D. #17F)

1. Evidence consists of testimony, writings, material objects, and other things presented to the senses to prove the existence or non-existence of a fact (140 E.C.).

B. Definition of Proof (4.1.7 - L.D. #17F)

1. Proof is the establishment by evidence of a requisite degree of belief concerning a fact in the mind of the trier of fact or the court (190 E.C.). It is the desired result of evidence.

C. Definition of Burden of Proof (4.1.7 - L.D. #17H)

1. Burden of proof is the obligation to produce evidence sufficient to prove a fact or set of facts (115 E.C.).
2. Provide practical examples of where the burden of proof belongs to the prosecution (e.g. criminal guilt, corpus delicti, search and seizure issues, Miranda issues); and where the burden of proof belongs to the defense (e.g. capacity defenses like insanity or intoxication, double jeopardy, self-defense).

D. Reasons for the Rules of Evidence (4.1.7 - L.D. #17)

1. Explain that the rules of evidence govern the admissibility of testimony, writings, and material objects at motions and trials. Provide practical examples in which the rules of evidence protect jurors from becoming confused or misled (352 E.C.).
2. Provide practical examples where the rules of evidence prohibit the introduction of illegally obtained evidence, e.g. Exclusionary Rule.
3. Provide practical examples in which the rules of evidence prohibit the introduction of unreliable, prejudicial, or time consuming evidence, e.g. 352 E.C., gruesome photographs, hearsay evidence, etc.
4. The judge is charged with the responsibility of deciding matters of law concerning the admissibility of evidence.

E. Purposes for Offering Evidence in Court (4.1.3 - L.D. #17C)

1. As an item of proof (190 E.C.).
2. To impeach (or discredit) a witness.
3. To rehabilitate (or support) a witness.

4. To assist in determining sentence (e.g. Aggravating circumstances in determinate sentence “triad”; enhancements; proving “no probation offense elements; special circumstances in death penalty cases).
- F. **Tests for the Admissibility of Evidence (4.1.4 - L.D. #17D)**
 1. The evidence must be relevant (210, 350, 351 E.C.).
 2. The evidence must be competently presented (700 E.C.).
 3. The evidence must be legally obtained (Meets constitutional and statutory safeguards).
- G. **Sources of Evidence Law**
 1. Evidence Code (e.g. witness competency; introduction of writings; privileged communications; hearsay evidence); Penal Code (e.g. accomplice testimony [1111 P.C.]; invasion of privacy and wiretapping [631 (d) P.C.]).
 2. U.S. Constitution and California Constitution.
 3. Case Law (e.g. search and seizure, Miranda issues, interpretation of Evidence Code statutes).
- H. **U.S. Supreme Court Decisions and Selective Incorporation:**
 1. Discuss case law interpretations of the 4th, 5th, and 6th Amendments and how U.S. Supreme Court decisions apply these amendments through the due process provisions of the 14th Amendment to the States.
- I. **California Constitution and Initiatives**
 1. Provide examples of how California evidence law has changed due to the Victim’s Bill of Rights (e.g. Right to Truth in Evidence; Priors for Impeachment).
 2. Provide examples of how California evidence law has changed due to the Crime Victim’s Justice Reform Initiative (e.g. Reciprocal Discovery and Hearsay Evidence at Preliminary Hearings).

II. TYPES OF EVIDENCE

- A. **Common Terminology Associated with the Introduction of Evidence:** Given word picture scenarios, practical examples, or case law decisions, the student will identify common types of evidence.
 1. **Testimonial Evidence (Testimony) (4.1.7 - L.D. #17B)** : Testimony is given by a witness who has knowledge of the facts being tried in a criminal case.
 2. **Documentary Evidence (Writings) (4.1.7 - L.D. #17B)** : Writings are any documented and tangible form of communication offered as evidence in court (250 E.C.). Provide practical examples of writings (e.g. notes, journals, ledgers, computer-generated data photographs, audio tapes, video tapes).
 3. **Real Evidence (Material Objects) (4.1.7. / 4.1.2 - L.D. #17B)** : Provide practical examples of real evidence: Fruits of the crime are the objects acquired as a result of crime commission (e.g. stolen property taken in a theft, burglary, or robbery); Instrumentalities of a crime are objects used by the perpetrator to commit the crime (e.g. crowbar in a burglary, gun in a murder, knife in an assault with a deadly weapon, scales and packaging materials in a narcotics sales case); Contraband is an object which is prohibited by law and therefore illegal to possess (e.g. narcotics, deadly weapons, child pornography).
 4. **Demonstrative Evidence:** Provide practical examples of demonstrative evidence such as maps, models, charts, diagrams, displays, computer simulations which are meant to portray or enhance the meaning of evidence presented to the trier of fact.
 5. **Physical Evidence:** The entire range of trace, perishable, and other types of personal identification evidence which have comparable individual identifying characteristics or class characteristics. Provide practical examples of physical evidence (e.g. fingerprints, blood and biologicals, ballistics, hairs, fibers, and other trace evidence).
 6. **Relevant Evidence (4.1.4 - L.D. #17F)**: Evidence which has any tendency to prove or disprove a disputed fact in a case (210 E.C.). Provide common examples of relevant evidence including motive for the crime; capacity to commit a crime; opportunity to commit the crime; prior threats or expressions of ill will by the accused; possessing writings or real evidence linking a suspect to the

- crime; physical evidence linking a suspect to the crime scene; consciousness of guilt or “admission by conduct” evidence; evidence affecting the credibility of a witness; and modus operandi factors.
7. **Admissions and Confessions (4.1.7 - L.D. #17F):** An admission is a statement by a suspect acknowledging some fact of relevant evidence in a case. A confession is a statement by a suspect claiming full responsibility for a crime. Both are inculpatory and have the tendency to show the guilt of the accused.
 8. **Hearsay Evidence (4.1.7 - L.D. #17J):** Hearsay Evidence is evidence of a statement that was made other than by a witness while testifying at a hearing and that is offered to prove the truth of the matter stated in court (1200 E.C.).
 9. **Consciousness of Guilt Evidence:** Explain admission by conduct evidence by the accused from which an inference of guilt or adoptive admission can be drawn (e.g. running from the crime scene, assaulting an officer, threatening a witness, giving false information, attempts to destroy or conceal evidence, refusing to provide personal physical evidence, etc.).

III. WAYS OF PRESENTING EVIDENCE

- A. **Common Ways Evidence is Presented in Court:** Given word picture scenarios, practical examples, or case law decisions, the student will learn and identify common ways of presenting evidence in court .
1. **Direct Evidence (4.1.1 / 4.1.7 - L.D. #17A) :** Evidence which directly proves a fact without inference through witness testimony (410 E.C.). If a witness testifies that he/she saw the defendant commit a crime, this is argued as direct evidence of the defendant’s guilt. Provide common examples of direct evidence.
 2. **Circumstantial Evidence (4.1.1 / 4.1.7 - L.D. #17A):** Evidence which proves a fact through inference or logical association with another fact. For example, if a defendant’s latent fingerprints are recovered at a crime scene, it can be inferred the defendant was present even though there is no direct witness to the crime. Provide common examples of circumstantial evidence.
 3. **Presumptions:** A presumption is an assumption of fact that the law requires to be made from another fact or group of facts (600 (a) E.C.). Provide common examples of presumptions (e.g. 550, 604, 606, 665, 668, 700 E.C.; 26, 1026, 1096, 12091 P.C.; 23140, 23155 V.C.).
 4. **Inferences:** An inference is a deduction of fact that can be logically and reasonably drawn from a fact or group of facts (600 (b) E.C.). Provide common examples of inferences.
 5. **Judicial Notice:** Judicial notice involves matters of common fact, general knowledge, or law that are universally known, easily referenced, and not subject to dispute (451-452 E.C.). The evidence can be presented as evidence without adversarial argument. Provide common examples of judicial notice including courses of nature, scientific principles, meanings of words and phrases, geographic and historical facts, legal procedures, and governmental reports.
 6. **Stipulation:** A stipulation is an agreement between counsel that a fact can be offered into evidence without adversarial argument. Provide common examples of stipulations.

IV. WITNESS TESTIMONY

- A. **Types of Witnesses:** Given word picture scenarios, practical examples, or case law decisions, the student will learn the difference between a lay and expert witness and the manner in which each is permitted to give testimony.
1. **Lay Witness:** A lay witness is an ordinary citizen, including most police officers, who have some personal knowledge of the facts being tried in a criminal case (702 E.C.). As a general rule, a lay witness is only permitted to testify to what he/she knows as fact (what is actually seen, heard, or otherwise perceived within one’s senses), and is not permitted to give an opinion or conclusion in conjunction with one’s testimony (Exception: Opinion Evidence Rule). Provide common examples of admissible and inadmissible lay witness testimony.
 2. **Expert Witness:** An expert witness possesses some special knowledge, skill, experience, training, or

education that is relevant to the facts being tried in a case (720 (a) E.C.). An expert witness is permitted to give an opinion or conclusion in conjunction with one's testimony. The qualifications of an expert witness are determined by a magistrate during a voir dire examination. Provide common examples of expert testimony in criminal trials (e.g. medical, forensic, psychology, various police experts).

B. **Subpoena (4.7.1 / 4.4.2 - L.D. #17G)** - A subpoena is a written order commanding the presence of a witness in court for the purpose of giving testimony. A subpoena duces tecum commands the production of writings or material objects in court. A person can be held in contempt of court for refusing to comply with a subpoena (1331 P.C.).

1. The following persons are legally authorized to issue subpoenas in California (1326 P.C.): Magistrate or court clerk; district attorney or district attorney investigator; public defender or public defender investigator; or attorney of record for the plaintiff / defendant.

C. **Opinion Evidence Rule** -The opinion evidence rule permits a lay witness to give an opinion in court when an event is based upon the personal knowledge of the witness and the opinion would be helpful in the clear understanding of the witnesses' testimony (800 E.C.).

1. Common areas qualifying for opinion evidence: State of emotion; appearance and demeanor (intoxication/injuries); speed, distance, measurement, value, and other quantifiable areas; identity and physical characteristics; and physical properties of substances (blood, narcotics, etc.).

V. WITNESS COMPETENCY AND CREDIBILITY

Given word picture scenarios, practical examples, or case law decisions, the student will learn who is a competent witness and how the competency of a witness may be challenged; the definition of credibility; and how the processes of impeachment and rehabilitation interplay on credibility when a witness testifies in court.

A. **Competency (4.1.4 - L.D. #17D)**: A competent witness is properly to give testimony in court.

1. **Presumption and Burden of Proof**: All witnesses, regardless of age, are presumed competent to testify (700 E.C.). The burden of proof falls to the side which opposes the witness in court to prove incompetency. The question of competency is decided during a voir dire examination.
2. **Tests for Competency**: A witness can be disqualified from testifying if he/she fails on the ability to observe or perceive, recall or narrate, or understanding the duty to tell the truth (701 E.C.). Common examples of potentially incompetent witnesses include young children, developmentally disabled persons, physically handicapped persons, foreign speaking persons, and statement gained during or after investigative hypnosis).

B. **Credibility**: Credibility is the believability or weight given to a witnesses' testimony by the trier of fact (780/785 E.C.).

1. **Impeachment**: Impeachment means to attack the credibility of a witness or to lessen the weight of that witnesses' testimony in the mind of the trier of fact. Impeachment is a hopeful outcome of cross or re-cross examination. Common impeachment areas including physical or mental state of the witness; bias, interest, or other motive in the case; a witnesses' general reputation for truthfulness/honesty; a prior felony conviction; or inconsistencies and manner of one's testimony. Review general areas of character evidence (1100-1104 E.C.).
2. **Rehabilitation**: Rehabilitation means to bolster or lend support to the credibility of a witness. Rehabilitation is a hopeful outcome of re-direct examination.

VI. DOCUMENTARY EVIDENCE (WRITINGS)

A. **Examples of Writings** - Given word picture scenarios, practical examples, or case law decisions, the student will explain common examples of writings: handwriting, drawings, computer-generated writings, business records, photographs, audio, and video tapes.

1. **Authentication**: A writing is authenticated when a witness testifies to the method or mode of authorship and preparation (1400/1401 E.C.).

2. **Best and Secondary Evidence:** Best evidence is an original writing (1500 E.C.). Secondary evidence is a duplicate copy of the writing offered in lieu of the original writing (1511 E.C.). In California, a duplicate writing is admissible to the same extent as an original writing unless there is a question as to the authenticity of the duplicate, or if the admission of the duplicate would be prejudicial (1511 E.C.).
3. **Gruesome Photographs:** Photographs of a gruesome, bloody, shocking, or nude nature are subject to a balancing test by the magistrate. The magistrate balances the relevancy of the photographs against their potential prejudicial effect on the defendant. If the magistrate rules the photographs would so inflame the jury that they would be prejudiced, they photographs will be excluded. If the judge rules the probative value of the photographs outweighs prejudice, the photographs are admissible.

VII. REAL AND PHYSICAL EVIDENCE (MATERIAL OBJECTS)

- A. **Examples of Material Objects (4.1.7. / 4.1.2 - L.D. #17B):** Given word picture scenarios, practical examples, or case law decisions, the student will learn the definitions of fruits of a crime, instrumentalities of a crime, contraband, and physical evidence.
 1. **Fruits of the crime** are the objects acquired as a result of crime commission (e.g. stolen property taken in a theft, burglary, or robbery).
 2. **Instrumentalities of a crime** are objects used by the perpetrator to commit the crime (e.g. crowbar in a burglary, gun in a murder, knife in an assault with a deadly weapon, scales and packaging materials in a narcotics sales case).
 3. **Contraband** is an object which is prohibited by law and therefore illegal to possess (e.g. narcotics, deadly weapons, child pornography).
 4. **Physical Evidence:** The entire range of trace, perishable, and other types of personal identification evidence which have comparable individual identifying characteristics or class characteristics. Provide practical examples of physical evidence (e.g. fingerprints, blood and biologicals, ballistics, hairs, fibers, and other trace evidence).
- B. **Common Rules Concerning the Introduction of Material Objects**
 1. **Authentication:** A material object is authenticated when a “finder” testifies to the manner or circumstances under which the evidence was recovered.
 2. **Chain of Possession:** It is necessary to maintain a record of persons who handle the evidence from the point of collection until the time the evidence is presented in court. The purpose is to maintain the integrity of the evidence and counter allegations that the evidence may have been substituted or altered.
 3. **Legal Duty to Collect/Preserve Evidence:** There is no due process duty on police to collect or preserve real or physical evidence for the defendant. A defendant cannot get his/her case dismissed on the sole grounds that authorities failed to collect or preserve possible exculpatory evidence at a crime scene. However, a defendant could attempt to impeach the quality or completeness of an investigation by showing that police were negligent and failed to follow proper procedures. Also, the defendant could attempt to raise a reasonable doubt as to his/her guilt by showing that if the evidence had been collected, it would have pointed to another suspect. As such, the collection and preservation of evidence is always a professional obligation and at times essential to the prosecution in proving criminal guilt.

VIII. PRIVILEGES AND PRIVILEGED COMMUNICATIONS

A privilege is a statutory reason that a witness can legally refuse to testify in court. Even though a witness may possess personal knowledge of the facts being tried in the case, one can refuse to testify and not be found in contempt of court.

A. Testimonial Privileges: Given word picture scenarios, practical examples, or case law decisions, the student will learn the application of testimonial privileges in the California Evidence Code.

1. **Privilege Against Self-Incrimination:** As a general rule, a criminal defendant cannot be compelled to take the witness stand and testify and can legally refuse to disclose information which may tend to incriminate oneself (930 & 940 E.C.). However, if a defendant takes the witness stand and testifies on one's own behalf, he/she waives this privilege and can be cross-examined about any matter brought out during direct examination. Also, this privilege doesn't apply to the collection of personal identification and physical evidence during a criminal investigation because this evidence is non-testimonial in nature.
2. **Husband-Wife Testimonial Privilege:** As a general rule, one spouse can refuse to be a witness against the other spouse during the course of a legal marriage (970 & 971 E.C.). The testimonial privilege applies to observations, conversations, findings, etc. The privilege is claimed at the time testimony is sought during marriage. Only the witness spouse can claim this privilege; the other spouse has no blocking power. The testimonial privilege is void when a crime is committed against the spouse, family members or other member of the household (972 E.C.). If the marriage ends (divorce, annulment), the testimonial privilege ends, and the former spouse must then testify if subpoenaed.
3. **Officer-Informant Privilege:** A peace officer has the testimonial privilege to refuse to disclose the identity of an informant who provided official information during the course and scope of the officer's duties (1041 & 1041 E.C.). However, if this informant is a material witness on the issue of innocence or guilt of the accused, the defense is entitled to the informant's name and location. If an officer still claims privilege, he/she cannot be held in contempt of court, but the defendant is entitled to case dismissal on due process grounds (1042 E.C.). The potential materiality of an informant is determined by the magistrate during an in-camera hearing.
4. **Newshield Privilege:** A news reporter has the testimonial privilege to refuse to disclose the source of his/her news information (1070 E.C.). This privilege doesn't apply to the actual witnessing of a criminal event. A news reporter or news organization has the privilege to refuse to disclose any unpublished information not released to the general public via the electronic or print media (1070 E.C.). This privilege doesn't apply to published information.

B. Confidential Communications Privileges: Given word picture scenarios, practical examples, or case law decisions, the student will learn the application of confidential communications privileges in the California Evidence Code.

1. **Husband-Wife Confidential Communications Privilege:** One spouse may refuse to disclose, and the other spouse can block the disclosure of, a confidential communication made during the course of a legal marriage (980 E.C.). Both spouses may claim this privilege as long as the oral or written communication was made for spouse's "ears or eyes" only. The confidential communications privilege is void when a crime is committed against the spouse, family members or other member of the household (985 E.C.), or if the disclosure is made to another or in the known presence of a third party. The confidential communication privilege survives termination of the marriage.
2. **Attorney-Client Privilege :** An attorney can refuse to disclose, or a client can block the disclosure of, a confidential communication made during the course of an attorney-client relationship (952 E.C.). This privilege is meant to allow a free exchange between attorney-client without fear these conversations will be disclosed later in court. This privilege doesn't apply to planning to commit a crime.
3. **Clergy-Confessor Privilege:** A clergy person can refuse to disclose, or a confessor can block the disclosure of, a confidential penitential communication made for the purposes of spiritual advice and absolution (1032 E.C.).
4. **Doctor-Patient Privilege:** A doctor can refuse to disclose, or a patient can block the disclosure of, a confidential communication made for the purpose of medical diagnosis and treatment (992 E.C.).

However, the doctor-patient privilege doesn't apply to criminal court testimony. Conversations about crime-related events void the privilege, and a physician must testify in court (998 E.C.).

IX. HEARSAY EVIDENCE

A. Hearsay Defined (4.1.7 - L.D. #17J):

1. Hearsay evidence is evidence of a statement, that was made other than by the witness while testifying at a hearing, and that is offered to prove the truth of a matter stated (1200 E.C.). Most often, hearsay arises when a witness attempts to testify about what someone else said outside of court. As a general rule, hearsay evidence is inadmissible unless the testimony falls under a recognized hearsay exception.

B. Hearsay Evidence Exceptions : Given word picture scenarios, practical examples, or case law decisions, the student will learn the application of principal exceptions to the hearsay evidence rule in the California Evidence Code.

1. **Admissions and Confessions (4.6.3 - L.D. #17J):** Inculpatory statements by the accused are admissible when spoken by a peace officer or private person as long as the statement was legally obtained (1220/1230 E.C.). A statement that is adverse to one's penal interest is presumed truthful enough to be repeated by another.
2. **Dying Declaration (4.6.3 - L.D. #17J):** A statement by a dying person that relates to the cause and circumstances surrounding one's death is admissible hearsay (1242 E.C.). The victim must be under an impending sense of death (i.e. lost hope of recovery); the statement must concern the victim's personal knowledge about the stroke of death; and the victim must subsequently die. The law presumes a person nearing death would have no reason to lie and would want to pass on with a clear conscience. Thus, a person would have no reason to be untruthful. If a victim survives, the statement may still be admissible under the spontaneous statement or prior statement of witnesses exceptions to hearsay.
3. **Spontaneous Statements (4.6.3 - L.D. #17J):** A statement made under the heat of stress or excitement, close in time to a crime, and about what the declarant saw or otherwise perceived is admissible hearsay (1240/1241 E.C.). A spontaneous statement can be offered by a peace officer or private person receiving or overhearing the statement. Statements made under the heat of excitement are considered trustworthy because the declarant has no time to premeditate or deliberate a falsehood. Thus, the statement reflects the declarant's true perceptions of the event. If there has been a substantial time lapse between the crime and the utterance (totality of circumstances), the reliability of this statement can be questioned.
4. **Business and Official Records (4.6.3 - L.D. #17J):** Records and other writings kept in the normal course of business or government operation are presumed trustworthy. These records can be authenticated and interpreted by any person in the organization familiar with their preparation/content (1270/1280 E.C.). It is not absolutely necessary to have the original preparer of the writing testify in court. The records must be prepared in a standardized manner, by a person who has personal knowledge of the event recorded, and the information recorded close in time to the incident or transaction recorded.
5. **Prior Statements of Witnesses/Past Recollection Recorded (4.6.3 - L.D. #17J):** Once a witness testifies under oath and is subject to examination, a prior statement made by that witness is admissible for the purposes of impeaching an inconsistent statement, or rehabilitating an incomplete statement (1235/1236 E.C.). Notes or recorded statements of the witness can be admitted for the same purposes (1237 E.C.).
6. **Hearsay Testimony at Preliminary Hearings (4.6.3 - L.D. #17K):** Law enforcement officers with more than five years experience or who have completed a related training course, are allowed to give hearsay evidence at preliminary hearings for the purpose of determining whether or not the defendant has committed a felony crime (872 (b) P.C.). The officer must have talked personally to a victim,

witness, investigator, expert witness, etc. in order to offer this hearsay testimony. “Totem pole” (multiple level) hearsay or merely reading a report into the court record by an uninvolved officer is not permitted under this rule.

X. SEARCH AND SEIZURE

A. Search and Seizure Introduction (4.7.1 - L.D. #16)

1. Review the provisions of the 4th Amendment - U.S. Constitution. Reasonable searches are permitted under the 4th Amendment and an officer doesn’t always need a search warrant to conduct a lawful search and seizure.
2. A **search (4.7.2 - L.D. #16A.1)** involves governmental intrusion into an area where a person has a reasonable expectation of privacy. The purpose of a search is to discover evidence or contraband to be used in a criminal prosecution.
3. A **seizure (4.7.2 - L.D. 16A.2)** occurs when an officer restrains a person’s freedom of movement or when property is taken into custody by the government. A seizure involves meaningful governmental interference with a person’s movement or property interest.
4. **Probable cause (4.7.1 - L.D. 16A.3)** involves facts that would lead a person of ordinary care and prudence to believe and conscientiously entertain a strong and honest suspicion that evidence or contraband will be found in or at a particular location. An officer may seek a search warrant or conduct a warrantless vehicle search based on probable cause. The scope of a probable cause search is limited by the scope and circumstances under which it is being conducted.
5. **Scope of Search (4.7.2 - L.D. #16A.4).** The scope of a lawful search is regulated by the circumstances under which the search is being conducted. Review the two components in determining the legal scope of a search. First, what is an officer looking for (e.g. evidence, contraband, weapons, victims or suspects)? Second, where will the officer find it (e.g. is it reasonable for the officer to find the object/person in the area being searched)? Evidence or contraband recovered outside the lawful scope of a search could be subject to suppression.

B. Exclusionary Rule (4.6.1 - L.D. #17) - Given practical examples and case law decisions, the student will be able to identify the impact and purposes of the Exclusionary rule (Mapp v. Ohio, U.S., 1961).

1. The Exclusionary rule requires that any evidence obtained by the government or its agents in violation of U.S. constitutional rights be excluded at trial. Review the impact of the Exclusionary Rule as it pertains to illegally seized evidence .
2. Identify the main purposes of the Exclusionary rule (**4.6.1 - L.D. #17I**): To deter misconduct by peace officers through eliminating the incentive for unconstitutional behavior by prohibiting the admission of evidence which is obtained illegally; and to maintain the integrity of the judiciary by keeping tainted evidence out of the courtroom.
3. Discuss the fruits of the poisonous tree doctrine. Not only is illegally seized evidence inadmissible in court, but any evidence that directly stems from this evidence is also inadmissible.
4. Discuss legal exceptions to the Exclusionary Rule (“Good Faith” on Search Warrants, “Reasonable Reliance” on authority for consent searches, “Good Faith” arrest search on a recalled arrest warrant; administrative proceedings, for use in sentencing).

C. Plain View Doctrine (4.7.1 - L.D. #16D) - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when evidence falls under the plain view rule.

1. Review the two components of the plain view rule. First, the officer has probable cause to believe the object or property observed constitutes evidence of a crime. Second, the officer has legal positioning or the “right to be” where the observation is made. Plain view observations are not searches. However a plain view observation can serve as the basis for seizure of the evidence observed or can prompt another legal basis to search for more evidence or contraband.

D. Detentions and Contacts - This instructional material is covered in the Criminal Procedures curriculum and may be given necessary instructional redundancy to explain 4th Amendment interactions between

officers and persons on the street when there is no reasonable cause to arrest. Given word picture scenarios, practical examples, and case law examples, the student will be able to identify when a legal detention can be conducted and when a contact with a person constitutes a consensual encounter :

1. **Detention as a Seizure:** A detention is a temporary stop for investigation and questioning to determine a person's involvement, if any, in criminal activity. Officers are able to seize a person's freedom of movement based upon reasonable suspicion of criminal activity, short of the reasonable cause needed for a custodial arrest. Detentions must be conducted lawfully or any evidence or statements subsequently obtained will be inadmissible in court.

Officers are not permitted to detain at will. In order for a legal detention to take place, an officer must have reasonable suspicion that a crime is about to take place, is taking place, or has taken place; and that the person to be detained is connected to the suspected criminal activity. Reasonable suspicion is factually based upon detention factors such as matching suspect description; matching vehicle description; person in proximity of a recently occurred crime; known high crime area; person exhibits symptoms of unlawful drug or alcohol consumption; method of criminal operation; flight or furtive movements; and past criminal history. Officers may detain a person for a period of time reasonably necessary to accomplish the purpose of the investigation.

2. **Contacts:** A contact or consensual encounter is any interaction between an officer and citizen that doesn't involve formal police restraint of that citizen's freedom of movement. A contact doesn't involve a seizure of the person under the 4th Amendment. During a contact a person is under no obligation to cooperate with an officer or answer questions, and is free to leave at anytime. The following actions are permissible by an officer during a contact: Walking up to a person or a parked vehicle and making inquiries about one's presence in an area; using a flashlight or spotlight for illumination; requesting, examining, and returning identification; and general follow-up conversation on a person's responses to the officer's questions.

The following actions would turn a contact into a detention by exercising restraint over a person's freedom of movement: Using a red light; directing or ordering a person to stop or remain; demanding identification; and retaining identification and running a warrant check.

E. Frisk or Pat-down Search (4.7.1 - L.D. #16B.4 / #16A.4) - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal frisk can be conducted.

1. A **frisk** is a cursory pat down of a legally detained suspect for the purpose of discovering deadly or dangerous weapons which could be used to assault an officer. A frisk can be lawfully conducted when a person has been detained for a crime involving weapons, instrumentalities that could be used as weapons, or an offense which threatens violent conduct. A frisk may also be conducted during a contact or non-violent detention with consent of the suspect.
2. The scope of a frisk is for hard objects that could be reasonably articulated as weapons. Hard objects can be retrieved, examined, and retained during the detention for officer safety. If the object is an instrumentality or contraband, reasonable cause to arrest exists. Soft bulges must be retrieved under another search basis.

F. Arrest Searches (4.7.1 - L.D. #16B.2)- Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal search and seizure can be conducted as incident to the arrest of a person.

1. **Person** - An officer may as incident or contemporaneous to a lawful custodial arrest search the person of the arrestee and the area within the arrestee's immediate control (arm's reach) for any possible evidence, weapons, or contraband. This search would include pockets and containers in the possession of the arrestee.
2. **Dwelling** - When a person is arrested inside a residence or dwelling an officer may as incident to that arrest search the person of the arrestee and any area within the arrestee's immediate control. This would include cabinets, drawers, furniture, containers, closets, etc. within "arm's reach" of the arrest.
3. **Justification for Beyond Arm's Reach in a Dwelling** - Some general exceptions permit an officer to

extend beyond the “arm’s reach” limitations after an arrest in a residence or dwelling. These include plain view, protective peek, pathway of suspect, protective sweep, and alternate search basis.

G. **Vehicle Searches (4.7.1 - L.D. #16F)** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal search and seizure can be conducted in a vehicle.

1. **Incident to Arrest:** When a person is arrested inside or “closely associated” with a motor vehicle, an officer may as incident to that custodial arrest search all compartments and containers within the passenger area of the vehicle. The passenger area is considered to be within “arm’s reach” of the person arrested.
2. **Probable Cause (4.7.1 - L.D. #16A.3):** If an officer has probable cause to believe there is evidence or contraband in a vehicle that is mobile or accessible to the roadway, the officer may conduct a warrantless search of that vehicle, including compartments and containers. This is referred to as the “Automobile Exception to the Search Warrant Requirement.” Probable cause involves articulable facts that the object of the search will be found inside the vehicle. The scope of this search is regulated by the size or nature of the evidence or contraband being sought.
3. **Closed Container Searches (4.7.1 - L.D. #16G)** - If probable cause and the scope of evidence sought is within a closed container, the container may be searched. This includes compartments, the trunk, and locked containers.
4. **Impound/Inventory:** As part of a department policy, an officer may inventory the contents of a lawfully impounded or stored vehicle prior to towing. This search is based upon the general administrative necessity of protecting the officer and agency from allegations of theft or damage; to take a arrestee’s valuables or property into custody for safekeeping; and to assure that there are no hazardous objects or materials in the car that could endanger the general public. Evidence found fortuitously in plain view is admissible.

H. **Search Warrant (4.7.1. / 4.7.2 - L.D. #16C)** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal search and seizure can be conducted under the authority of a search warrant.

1. **Defined** - A search warrant is an order issued by a magistrate and directed to a peace officer, commanding a search of a described location for described evidence or contraband. The statutory grounds for the issuance of a search warrant must be specified (1524 P.C.). Search warrants are not required in some search and seizure situations (e.g. mobile vehicles with probable cause, and probation or parole searches). Certain search and seizure situations will almost always require acquisition of a search warrant (e.g. residential search and body intrusions).
2. **Probable Cause and Affidavit (4.7.1. - L.D. 16A.3)** - A search warrant requires probable cause or facts that would lead a reasonable person to believe there is a strong suspicion that evidence or contraband will be found at a particular location. Probable cause can be established through an officer’s personal observations, information received from citizens or other informants, and information received through official channels. Probable cause is communicated to a magistrate in a written or telephonic affidavit.
3. **Service Requirements and Times (L.D. 16C.1):** Once issued, a search is good for 10 days and is limited to service between the hours of 7 A.M. to 10 P.M., unless endorsed upon “good cause” to be served at anytime of the day or night. After entry, when the search scene is safe, officer should show the original search warrant and provide a copy to a person with standing on the premises.
4. **Knock and Notice (L.D. 16C.2)** - Knock and Notice rules apply to the service of search warrants (1531 P.C.). An officer serving a search warrant must knock, identify and announce purpose, demand entry, and give person (s) inside a reasonable opportunity to come open the door. A factual exigency or emergency circumstance such as danger to officers, destruction of evidence, or escape of suspect may excuse knock and notice or permit a contemporaneous entry once an exigency begins. Failure to

comply with knock and notice provisions can result in the suppression of evidence seized under the authority of the warrant.

5. **Scope and Fortuitous Finds (4.7.2. - L.D. #16)** - Scope of search is limited to the items and the location listed in the search warrant . Any additional evidence or contraband located in plain view or within the scope of the warrant may be legally seized as fortuitous finds. If additional evidence or contraband observed during the warrant service causes an officer to believe there is more of the same at the premises / location, a second search warrant may be necessary to legally search further for more evidence.
6. **Inventory and Return** - Officers are required to maintain an inventory of evidence and contraband removed from the search location and file a return with the issuing court.
- I. **Consent Search (4.7.1 - L.D. #16B.1)** - Given word picture scenarios, practical examples, and case law examples, the student will be able to identify when a legal consent search can be conducted.
 1. **Defined:** A consent search is one in which a person knowingly and voluntarily waives his or her 4th Amendment rights after having been given a request-choice by an officer. Consent allows an officer to conduct an exploratory investigation into the area or property where the consenting party has ownership or tenancy rights.
 2. **Knowingly and Voluntarily:** Knowingly means the person giving the consent waiver has the capacity and mentality to be able to understand the choice to waive or not waive one's 4th Amendment rights. Voluntarily means the consent to search was given as a result of one's free will and is not the product of force, coercion, inducement, promise, deceit, trickery or submission to police authority.
 3. **"Request-choice"** : In asking for consent to search, an officer must request permission to search and such request must be phrased in terms that the person has the choice to refuse the consent.
 4. **Admonition:** An officer may also choose to advise a person verbally or in writing that he/she has the right to refuse to consent to a search to assist in upholding a showing of voluntariness.
 5. **Express or Implied Waiver:** An express waiver is one in which a person agrees to the consent search verbally or in writing. An implied waiver is one in which a person agrees to the consent search through affirmative gesture or body language. An equivocal waiver doesn't constitute legal consent.
 6. **Constitutional Considerations:** A person has the right to refuse to consent to a search, can limit the area of search, and can stop the search at anytime after consent is given. Asserting any of these rights doesn't constitute consciousness of guilt or probable cause to search further.
 7. **Authority and "No Authority"** : The person consenting to a search must be in an authority position. This means he/she has ownership or tenancy rights over the area or property to be searched. Typical "No Authority" situations would include minor children, landlords, visitors, motel managers, baby-sitters, and household workers. Though these persons may be in-charge of a premises or have the right of occupancy, they are not in an authority position to allow the police to search the area or property.
 8. **Husband-Wife Rule and Exceptions:** Generally, one spouse can consent to a search of a jointly occupied house or property, even over the objections of another spouse. An exception would be "staked out" areas such as dressers, cabinets, storage areas, or other containers of property that are exclusively used by one spouse. Consent must be sought from the spouse who actually uses these areas or another search basis sought.
 9. **Cotenant Rule and Exceptions:** Generally, one cotenant in authority can consent to a search of jointly occupied premises and common areas within, even over the objections of another cotenant. An exception would be "staked out" areas such as a room, dressers, cabinets, storage areas, or other containers of property that are used exclusively by another tenant. Consent must be sought from the other tenant for these areas or another search basis sought.
 10. **Parent-Child Rule and Exceptions:** Generally, a parent is in an authority position to consent to police entry into a minor child's room, even if that room is solely occupied by the child. Police would get a "plain view" inspection of the room. Exceptions would still include "staked out" areas or

containers of property that the child exclusively uses. Consent must be sought from the child for these areas or another search basis sought. Adult children living with parents fall under the cotenant rule.

- J. **Emergency Searches (4.7.1 - L.D. #16B.3)** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal emergency search can be conducted.
1. **Doctrine of Necessity - Exigency:** An officer may make a warrantless entry into an area when necessary to protect life, health, or property; to prevent the imminent escape of fleeing suspects; or to prevent the imminent destruction of evidence. An exigency involves emergency circumstances requiring swift and immediate action. Any evidence or contraband an officer sees in plain view while searching for victims or suspects is admissible.
 2. **Danger to Life/Limb:** Exigencies include assault in-progress, screams for help, “shots fired, domestic violence calls, child endangerment or abuse, “911” calls, medical aid, and suicide attempts.
 3. **Danger of Serious Property Damage:** Exigencies include natural disasters, accidents, explosions, clandestine drug labs, fires, burglar alarm soundings, and open doors and windows where there is a possibility of unlawful entry.
 4. **Escape of Suspect:** An officer may enter a residence or dwelling in the immediate hot pursuit of a suspect running from a crime. If an officer has reasonable cause to arrest a suspect for a felony or misdemeanor which occurred on the street or on a public place, the suspect cannot escape custody by running into a dwelling. Also, under the Investigative Pursuit of a Serious Felon doctrine, an officer can make a warrantless entry to search for and arrest a suspect who has committed a dangerous felony involving death or serious bodily injury, even if not in immediate hot pursuit. This entry can be generally made within the first day after the crime or when it is impractical to seek an arrest warrant.
 5. **Destruction of Evidence:** An officer may enter and secure a crime scene pending the issuance of a search warrant when there is probable cause evidence or when contraband is within a private area and there could be persons present who could destroy such evidence. A protective sweep can be conducted for persons to “secure the premises” to prevent the destruction of the evidence.
 6. Once the emergency terminates, so does the doctrine of necessity. Once victims are located, aided, or rescued; and/or suspects are arrested, the emergency search is over. If there is probable cause that evidence or contraband is still present, an officer must seek another 4th Amendment basis (e.g. consent or search warrant) to search further.
- K. **Parole Searches (1.10.2 - L.D. #16E)** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal parole search can be conducted.
1. **Defined** - A parolee is in “constructive custody” of the state after release from prison and is subject to conditions supervised by a parole officer. A parolee waives his/her 4th Amendment rights during this parole period.
 2. **Cause Needed to Conduct** - A parole search requires a “trigger” or reasonable suspicion of renewed criminal activity or violation of parole condition to be conducted by an officer.
 3. **Prior Authorization Not Required, But Recommended** - When practical, it is recommended a peace officer attempt contact with a parole officer for authorization to conduct a parole search. The parole officer reviews the reasonable suspicion information gathered by the police officer and makes an independent decision that the search is necessary to enforce parole conditions. If contact with a parole officer is impractical or unsuccessful, and a reasonable suspicion “trigger” otherwise exists, the search should be conducted. Case law supports parole searches under the above circumstances.
- L. **Probation Searches (1.10.5 - L.D. #16E)** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal probation search can be conducted.
1. **Defined** - A probation search accompanies the “supervised release” of a probationer into the community with a “Search Clause” or “4th Amendment waiver” attached to probation conditions.
 2. **Cause Needed to Conduct** - A probation search may be conducted without a “trigger” or reasonable suspicion of renewed criminal activity. The purpose of a probation search is to ascertain whether the probationer is or is not complying with terms of his/her probation conditions.

3. **Prior Authorization Not Required** - Prior authorization from a probation officer isn't required. A probation search can be routinely conducted by any law enforcement officer as long as the search is not done in an arbitrary or harassing manner.
- M. **Administrative Searches** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal administrative search can be conducted.
 1. Administrative searches are based upon a compelling governmental interest embodied in statute or case law. Under these circumstances, the interests of society take precedence over the privacy interests of the individual. Administrative searches include searches in custodial institutions, booking searches, vehicle inventories, Fish and Game Code enforcement, immigration and border inspections, U.S. Customs, airport and courthouse searches, DUI sobriety checkpoints. Probation and parole searches are also forms of administrative search.
- N. **Forcible Seizure of Evidence - Attempt to Swallow Evidence (4.8.1 - L.D. #16H)** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal forcible seizure can be conducted to prevent the swallowing of evidence.
 1. There is no constitutional privilege to refuse to provide or to destroy evidence. With a legal seizure basis, an officer may use reasonable force to prevent the swallowing of contraband.
 2. Examples of reasonable force include verbal commands and physical restraint holds that don't involve pain compliance, choking, or restriction of the blood supply.
 3. Unreasonable force (force which "shocks the consciousness of the court") is unlawful and will result in evidence suppression on due process grounds.
 4. Examples of unreasonable force include choke holds which cut off the air supply; carotid restraints which cut off blood supply; striking the suspect; pain compliance holds; and verbal threats to use unreasonable force.
 5. Force that may be reasonable to overcome resistance to arrest or prevent the escape of a perpetrator would be unreasonable to prevent the swallowing of physical evidence.
- O. **Forcible Seizure of Evidence - Stomach Pumping/Emetics (4.8.2 - L.D. #16H)** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when stomach pumping or the use of an emetic are legally authorized to seize evidence.
 1. If a suspect has swallowed evidence, stomach pumping or the administration of an emetic to induce vomiting can legally take place if the suspect expressly consents to such procedures.
 2. If the ingested substance presents a clear and immediate threat to the suspect's life as independently determined by medical personnel, recognized life-saving procedures may take place, including stomach pumping or the use of emetics. The physician may not act as an agent of the police. Evidence recovered fortuitously during this emergency medical procedure is admissible.
 3. Though it is legally possible to have a magistrate issue a search warrant for an emetic procedure, such circumstances are rare.
- P. **Forcible Seizure of Evidence - Blood Sample (4.8.3 - L.D. #16H)** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a blood sample can be legally seized as evidence.
 1. Taking a blood sample from a suspect involves a body intrusion. A separate search and seizure basis is required in addition to the suspect being lawfully under arrest.
 2. If a blood sample is needed as a biological control in a homicide, rape, or assault case, an officer will have to obtain consent from the suspect or seek a search warrant from a magistrate for the seizure. This is because the suspect's blood type will not change, i.e. no exigency.
 3. If a blood sample is needed as "under the influence evidence" in a driving while intoxicated or vehicle manslaughter case, an officer may seize the blood sample pursuant to exigency. This is due to the possible destruction of evidence. The alcohol or drug levels would metabolize in the suspect's body during the time it would take to seek a search warrant.
 4. Reasonable force may be used to take a blood sample from a resisting suspect. Department policies

differ on whether such force is to be used in misdemeanor cases. Unreasonable force is prohibited under due process and can result in evidence suppression. (See 4.8.1 examples for reasonable and unreasonable force.)

5. A blood sample can be taken from an unconscious “under the influence” suspect as long as there is reasonable cause to arrest.

Q. Forcible Seizure of Evidence - Fingerprints and Exemplar Evidence (4.8.4 and 4.8.5 - L.D. #16H) -

Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal seizure of fingerprint or exemplar evidence can be conducted.

1. There is no constitutional privilege to refuse to be fingerprinted or give exemplar evidence (handwriting, voice, photograph, etc.) incident to a lawful arrest. This evidence is non-testimonial in nature and doesn’t violate a suspect’s privilege against self-incrimination.
2. An officer may use reasonable force to obtain such evidence, though the level of resistance by the suspect may well mitigate the quality of the exemplar evidence obtained. (See 4.8.1 for examples of reasonable force.)
3. A resisting or uncooperative suspect should be advised he/she has no right to refuse to provide this evidence. Any refusal or resistance can be argued as evidence of “consciousness of guilt” later in court.

XI. METHODS OF IDENTIFICATION

Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a legal infield show up can be conducted.

A. Infield Show up (4.7.2 - L.D. #16I.1) : An infield show up is a viewing of a suspect by a victim/witness in the field shortly after a crime is committed.

1. **Contemporaneous:** An infield show up can generally be conducted within 2 hours after a crime, although case law has extended this time frame up to 20 hours in serious felony cases.
2. **Avoiding Element of Suggestiveness:** An officer bears the burden to show the identification transaction was controlled in a manner that prompted neutrality and avoided undue suggestiveness. Victims/witnesses should be separated prior to interview and view suspect(s) separately. No suggestive remarks or showing of material objects should take place prior to viewing. An admonition should be given beforehand telling the victim/witness they are under no obligation to identify; they should make no inference from the fact the suspect is in police custody, by a police car, etc.; it is just as important to free innocent persons from suspicion as it is to identify the guilty; and the witness should be positively sure of any identification that he/she makes.
3. **Fifth Amendment Issues:** A legally detained or arrested suspect has no right to refuse to participate in a show up because such evidence is non-testimonial in nature. The suspect may be asked to repeat words or phrases uttered during the commission of a crime for voice identification for the same reason. There is no right to confer with counsel or have an attorney present during a show up.
4. **Transportation During an Infield Show up (4.9.1 - L.D. #16I.1):** As a general rule, if a suspect has been detained, he/she cannot be moved for the purposes of accomplishing an investigative purpose. A victim/witness must be brought to the detention scene for viewing. Exceptions to this rule include where the suspect is under arrest; consents to be moved; a victim or witness is injured or handicapped and it would be impractical for them to move; or there are other circumstances such as officer safety, radio communication problems, or crime scene security that would justify moving the suspect. Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a photographic lineup and physical lineup can be conducted.

B. Photographic Lineup (4.7.2 - L.D. #16I.2): A photographic lineup is an array of photographs shown to a victim/witness in an attempt to identify a suspect. It is important that the photographs be similar in physical description and background and that a victim/witness be given a cautionary admonition before viewing the lineup. A photographic lineup is generally performed well after a crime has occurred in which

suspect information has been developed and an identification is part of the evidence needed to seek a criminal complaint and arrest warrant.

- C. **Physical Lineup (4.7.2 - L.D. #16L.3):** A physical lineup is a staged viewing in which a victim/witness looks at a number of persons in an attempt to identify a suspect. The persons are of similar physical descriptions and stature. If a criminal complaint has been filed against a suspect, he/she has the right to have an attorney present during the viewing portion of the lineup. A physical lineup is generally conducted when a suspect is in custody and involved in serial offenses or multi-jurisdictional crimes where a number of victims/witnesses are present for identification purposes.

XII. MIRANDA AND ADMISSIONS/CONFESSIONS

This instructional material is covered in the Criminal Procedures curriculum and may be given necessary instructional redundancy to tie into the admissibility of admission and confessions as evidence. Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a suspect is required to be advised of his/her Miranda rights.

A. When the Miranda Rule Applies

1. For an adult, when the suspect is in custody and the officer desires to interrogate to gain an admission or confession.
2. For a minor, when the suspect is taken into custody for a status offense (601 W&I), a delinquent offense (602 W&I), violating a court order, or escaping from a juvenile court ordered commitment (625 W&I). Minors must be advised per Miranda contemporaneous with custody regardless of an officer's initial intent to interrogate.

- B. **Custody and Interrogation** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when custody and interrogation apply for the purposes of a Miranda warning.

- C. **Admonition, Waiver, Assertion** - Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a Miranda advisement is legally sufficient to protect a suspect's constitutional rights.

1. The student will learn the basic content of the Miranda admonition:
 - a) The suspect can remain silent.
 - b) Anything the suspect says may be used against him/her in court.
 - c) The suspect has the right to talk to a lawyer before or during questioning.
 - d) If the suspect cannot afford an attorney, the court will appoint one to represent him/her free of charge before any questioning.
2. The suspect must make a knowingly, voluntary, and intelligent decision to waive his/her Miranda rights prior to any questioning. Knowingly and intelligently mean the suspect has the mental capacity to be able to understand the choice in making a statement to the police and makes an informed decision to do so. Voluntarily means the waiver is free from coercion, inducement, promise, trickery, or submission to police authority.

D. Effect of Silence Assertion - Exceptions

1. If the suspect asserts the right to remain silent, no questioning can take place. Exceptions would be if the suspect voluntarily initiates questioning or questioning on a separate and unrelated crime.

E. Effect of Counsel Assertion - Exceptions

1. If the suspect asserts the right to talk to a lawyer, no in-custody, police-initiated questioning can take place about any crime. Exceptions would be if the suspect voluntarily reinitiates questioning or if the suspect is released from custody, he/she may be questioned on a separate and unrelated offense.

F. Effect of Fifth Amendment Violation and Exclusionary Rule

1. Statements made in violation of the Miranda rule (or 6th Amendment right to counsel) are inadmissible as evidence in court.

G. When the Miranda Rule Doesn't Apply

Given word picture scenarios, practical examples, and case law decisions, the student will be able to identify when a suspect need not be advised of his/her Miranda rights because there is no custody or there is a recognized exception to the Miranda rule.

1. **Contacts (Consensual encounters)** : A Miranda warning is not required in everyday approaches, field interactions, or conversations with a person on the street or in a public place.
2. **Traffic Stops:** A Miranda warning is not required during a traffic or municipal code infraction stop because there is no custody.
3. **Detentions:** A Miranda warning is not required during a temporary stop for investigation and questioning to determine a person's involvement, if any, in criminal activity. Even though a person's freedom of movement is seized during a detention, they are not in custody for the purposes of Miranda unless they are handcuffed, secured in the rear of a police car, or one's freedom of movement is otherwise restricted similar to an arrest. Though a person has the right to remain silent during a detention, the officer is under no legal obligation to tell the suspect about this right.
4. **Rescue Doctrine and Public Safety Exception:** The Rescue Doctrine is predicated on finding out about the health, safety, and whereabouts of a kidnapping, child stealing, false imprisonment, hostage, or other crime victim. The purpose here is to rescue the victim. The Public Safety Exception involves asking questions to solve an exigency, such as the whereabouts of a gun, other dangerous instrumentality, bomb, clandestine lab, hazardous materials, etc. that may have been abandoned or secreted by a suspect. The purpose here is to abate a factual danger to life, limb, or property. In both instances, though a suspect may be in custody, questions may be asked absent a Miranda warning to solve the exigency. If the suspect chooses to answer, responses may be used against him/her later in court.
5. **General on-Scene Questioning:** This involves on-scene questioning in the field or "knock and talk" type questioning at a suspect's home whenever an officer is in a "what happened?" or investigative mode. A Miranda warning is not required because no one is in custody.
6. **Voluntary Interviews:** Similar to on-scene questioning, but usually a term reserved for station house interviews. A suspect is told he/she is not under arrest and is free to leave at anytime or not answer any questions (Beheler Admonition). A Miranda warning is not required because although investigative questioning may take place, no one is in custody.
7. **Phone Calls:** A Miranda warning is not required during a telephone interview because the person being questioned over the phone is not in custody.

CRIMINAL PROCEDURES

Prepared by: Ray E. Bowling and Thomas B. Plotts, Miramar Community College, San Diego, CA

UNITS: 3

PURPOSE OF THE COURSE:

The purpose of this course is to provide instruction to students on the legal processes involved from the point of pre-arrest through final adjudication. Procedural statutes, laws of arrest, use of force, constitutional law, case law, motions, discovery, judicial rules, rules of evidence, and the California Court System will be thoroughly examined. Students will obtain an understanding that these areas of the criminal justice system provide for and protect due process of law. This course includes detailed instruction on the four levels of courts within the California Court System. Included within the court system is a comprehensive explanation of the appointment/election process of judges/justices. The California jury trial process from the point of juror qualifications through sentencing is comprehensively covered. This course will provide students with the understanding that law enforcement practitioners need to know about judicial proceedings.

COURSE OBJECTIVES:

1. The student will identify laws of arrest and use of force as defined in procedural statutes, case law, constitutional law, and other applicable rules. (Laws of Arrest – **LD #15**)
2. The student will identify and describe custodial procedure as it relates to legal commitment to custody, taking of personal property, search and treatment of prisoners, and prisoner rights. (Custody – **LD #31**)
3. The student will describe the four levels of courts in the California court system including areas of general and original jurisdiction and the selection/election process for judges/ justices.
4. The student will list various charging documents applicable to each court level in the California court system.
5. The student will recite the arraignment process in both the inferior court level and the superior court level. The student will also gain an understanding of the various applicable due process time lines in reference to in-custody and out-of-custody defendants.
6. The student will describe the preliminary hearing process and the standard of proof required for successful bindover from the inferior court level to superior court.
7. The student will identify the function of the California grand jury system.
8. The student will describe various motions that can be taken by the prosecution and the defense during the course of judicial proceedings from point of arrest through final adjudication. The student will also give examples of discovery motions.
9. The student will analyze the purpose and function of the plea bargaining process plus other alternatives to trial.

Law Enforcement

10. The student will describe the jury trial process. This includes jury selection, prosecutions case-in-chief, witness testimony, marking exhibits/evidence, motions, defense case-in-chief, rebuttal testimony, jury instructions, deliberations, verdict, sentencing, and appeals.
11. The student will identify the California Juvenile Court System, applicable procedural statutes in the Welfare and Institutions Code and applicable juvenile case law.

CATALOGUE COURSE DESCRIPTION

This course involves a comprehensive look at the origin, development, philosophy, and legal basis of criminal procedures in California. Procedural statute law, case law, and constitutional law governing laws of arrest; use of force; motions; rules of discovery; applicable rules of evidence; California court system; California grand jury system; pre-trial court procedures; adult trial procedures; juvenile trial procedures; sentencing; appellate process.

INSTRUCTIONAL STRATEGIES – METHODS

The instructional strategies and methods used should be as diversified as possible to meet the needs of the students. Suggested methods of instruction would include the following:

- a. Lecture with or without various audio-visual aids
- b. Collaborative problem solving and discussion in small groups
- c. Videotapes with focused discussions
- d. Computer assisted or other self-paced instruction
- e. Student oral class presentations
- f. Written exercises
- g. Role playing
- h. Legal research and assigned case briefs
- I. Legal terminology vocabulary building exercises
- j. Guest speakers
- k. Field trip to court (jury trial and/or pre-trial motions)

NOTE TO INSTRUCTORS

The California Criminal Procedures course is designed to provide a standard of statewide instructional continuity in course presentation. Students will receive instruction on the same topic areas no matter which community college he or she attends. Pre-service students will complete this course with the knowledge necessary to seek entry-level employment in the area of criminal justice. In-service students will complete this course with a broader understanding of judicial proceedings in California. Completion of this course will also prepare students for transfer to a four year university for the purpose of obtaining a Bachelor's degree in Criminal Justice.

Professional and ethical standards must be an integral part of all phases of instruction in the field of administration of justice. As experienced criminal justice practitioners and criminal justice educators, it is our responsibility to not only teach our students about the mechanics of how the system works but to also teach them how important it is to maintain the highest of professional and ethical standards.

SECTION II

CRIMINAL PROCEDURES: COURSE OUTLINE

This course outline is intended for instructional use to accomplish the following objectives:

1. To expand upon key instructional topics in the Criminal Procedure course outline.
2. To promote uniformity in accomplishing Criminal Procedure course objectives.
3. To incorporate Learning Domains from the Basic Law Enforcement course into the two-year community college Administration of Justice program.
4. To inform a first-time instructor teaching Criminal Procedure of the recommended instructional material to be covered within the course outline.

MODULE 1

1. SOURCES OF CRIMINAL PROCEDURE

A. Common Law Heritage

1. Definition

- a. Common law is the body of laws that originated and developed in England. It is based on judges decisions, on the doctrines implicit in those decisions, and on custom and usage.

B. Separation of Powers

1. Legislative

- a. State statutes
- b. Local ordinances

2. Executive/Administrative

3. Judicial

C. Constitutional Rights

1. Due process

a. Fifth Amendment

1. Definition

- A. No person shall be held to answer for a crime; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law

D. Independent State Grounds

1. State court restrictions

MODULE 2

2. CRIMINAL PROCEDURE CONCEPTS

A. The Adversary System

1. History

B. Presumption of Innocence (California Penal Code Section 1096)

1. A defendant in a criminal action is presumed to be innocent until the contrary is proved, and in case of a reasonable doubt whether guilt is satisfactorily shown, he or she is entitled to an acquittal, but the effect of this presumption is only to place upon the state the burden of proving guilt beyond a reasonable doubt.

- C. Burdens of Proof
 - 1. Definition
 - a. An obligation to produce evidence sufficient to prove a fact or set of facts
- D. Jurisdiction, Elements and Identification
 - 1. Jurisdiction
 - a. Includes proof of both the time and place of the crime
 - 2. Elements
 - a. Charge of offense(s) must each be proven beyond a reasonable doubt
 - 3. Identification
 - a. Defendant(s) who committed each proven element of the crime falling within the court's jurisdiction is the remaining component of the prosecution that must be shown beyond a reasonable doubt
- E. The Corpus Delicti Rule
 - 1. Definition
 - a. Basic facts which must be proved by the prosecution to sustain a conviction
 - b. May also be referred to as the body of the crime or elements of the crime
- F. Ex Post Facto and Retroactivity
 - 1. Definition
 - a. After the fact
 - 2. US Constitution, in Article I, section 9 and 10, and the California Constitution, in Article I, section 9, both prohibit laws that are ex post facto
- G. Methods of Proof
 - 1. Direct evidence
 - a. Definition
 - 1. Evidence which if believed by the trier of fact conclusively proves any fact
 - a. Physical evidence
 - b. Testimonial evidence
 - 2. Circumstantial evidence
 - a. Definition
 - 1. Evidence which proves a fact indirectly, in conjunction with other proved facts, by logical inference
 - 3. Judicial notice
 - a. Definition
 - 1. An acknowledgment by the court of a particular fact, so that it does not have to be proved by evidence
 - 4. Statutory presumptions
 - a. Definition
 - 1. Matters presumed by law to be true
 - 5. Stipulations
 - a. Definition
 - 1. Agreements between the parties to some fact that is not an issue

MODULE 3

3. JUSTICE SYSTEM COMPONENTS

- A. Victim
 - 1. Definition
 - a. A person who has suffered death, physical or mental anguish, or loss of property as the result of an actual or attempted criminal offense committed by another person

- B. Witnesses
 - 1. Definition
 - a. In criminal justice usage, generally, a person who has knowledge of the circumstances of a case; in court usage, one who testifies as to what he or she has seen, heard, otherwise observed, or has expert knowledge of
- C. Investigative Components
 - 1. California Highway Patrol (CHP)
 - 2. California Department of Motor Vehicles (DMV)
 - 3. Justice Department (DOJ)
 - 4. Federal Bureau of Investigation (FBI)
 - 5. Post Office Department
 - 6. Drug Enforcement Agency (DEA)
 - 7. Secret Service, US Treasury Department
 - 8. Immigration and Naturalization Service
 - 9. Alcohol, Tobacco and Firearms (ATF)
 - 10. Armed Forces Police
 - 11. US Marshal
 - 12. US Customs
 - 13. Appropriate Federal, State, and Local Agencies
- D. Prosecutorial Components
 - 1. The government's criminal lawsuit against an accused defendant is presented by a prosecuting attorney
 - a. City Attorney
 - b. District Attorney
 - c. State Attorney
 - d. United States Attorney
- E. Defense Components
 - 1. Sixth Amendment
 - a. Definition
 - 1. The Constitution guarantees every "accused" person the assistance of an attorney, beginning with the first court appearance, or the filing of an indictment or information, whichever occurs first
- F. Adjudicative Components – California Court System
 - 1. Trial Courts
 - a. Municipal Courts
 - 1. Definition
 - a. Original trial jurisdiction over misdemeanors and infractions, and they conduct arraignments and preliminary hearings in felony cases
 - b. Superior Courts
 - 1. Definition
 - a. Unlimited trial jurisdiction over all cases except those assigned by statute to the municipal court
 - b. They try all felony cases, have exclusive jurisdiction over juvenile delinquency and child neglect cases, and hear appeals from the municipal courts
 - c. There is a superior court in each of California's 58 counties.
 - 2. Appellate Courts
 - a. Courts of Appeal
 - 1. Definition
 - a. Appellate jurisdiction over all cases appealed from the superior courts except in death

- penalty cases
- b. State Supreme Court
 - 1. Definition
 - a. Statewide appellate authority
 - b. It has discretionary appellate jurisdiction to hear cases pending or decided by the courts of appeal and must hear direct appeals from the superior courts in death penalty cases.
 - c. They also resolve conflicting opinions between courts of appeal
 - d. Death penalty appeals to the supreme court are called “automatic” appeals.
- G. Justices – Magistrates
 - 1. Municipal Judges
 - 2. Superior Judges
 - 3. Appellate Judges
 - 4. State Supreme Chief Justice
 - 5. State Supreme Court Associate Justices
 - 6. Court Commissioners
 - 7. Court Referees
 - 8. Visiting Judges
 - 9. Pro-Tem Judges
- H. Grand Jury
 - 1. Definition
 - a. Under California law, it is composed of 19–21 persons depending on the population within the county.
 - b. They may inquire into all public offenses committed or triable within the county and present them to the court for indictment.
 - c. Have the power to investigate
 - 2. Examination of witnesses by Grand Jury
 - a. Examination is held in private sessions.
 - b. They may seek the advice of a Superior Court at any time.
 - 3. Voting on the indictment
 - a. Requires twelve votes out of nineteen
 - b. Court trial jury requires unanimous vote
 - 4. Filing indictment
 - a. Indictment is filed in Superior Court by the District Attorney
 - b. Superior Court Judge issues warrant of arrest and it is delivered to the law enforcement agency involved in the case.
 - c. Defendant is arrested and arraigned in Superior Court on the charge.
 - 5. When an information or indictment is filed in Superior Court, the trial may proceed.
 - a. Superior Court is the trial court for all felony cases.
 - 1. Exceptions
 - A. Federal cases
 - b. Has appellate jurisdiction over Municipal Courts
 - c. Next State Court above the Superior Court is the Appellate Court, then the Supreme Court of California and then the Supreme Court of the United States
 - d. All death sentences imposed by the Superior Court receive an automatic appeal in Supreme Court of California where they are reviewed and either affirmed or reversed.

- I. The Jury
 - 1. Definition
 - a. In California, the jury consists of twelve jurors mutually agreed on by the prosecution and defense
- J. Corrections
 - 1. Adult offenders
 - 2. Juvenile offenders

MODULE 4

4. INVESTIGATION AND ARREST PROCEDURES

- A. Police Department Organization
 - 1. Federal, state, and local agencies
 - a. Organizational charts
- B. Detection of Crime
 - 1. Police and investigative reports
 - 2. Observations
 - 3. Informants
- C. Search Warrants
 - 1. Searches conducted pursuant to a warrant are searches authorized by a written order, signed by a magistrate, directing a peace officer to search a specific place for specific items and bring them before the magistrate.
 - 2. The warrant must particularly describe the items sought, the location, vehicle, or person to be searched, and must list the statutory grounds for issuing the warrant.
 - 3. An officer serving a warrant must announce his presence, identify himself as an officer, state his purpose, demand entry, and wait a reasonable time to be admitted before forcibly entering a private dwelling.
- D. Arrest Warrants
- E. Procedures for reasonable suspicion (**LD#15, 2D**)
 - 1. Reasonable suspicion
 - a. Stops/detentions – Definition
 - 1. A “stop” is a temporary detention of a person for an investigative purpose.
 - 2. A temporary “detention” or “stop” occurs when a peace officer uses his or her police authority to compel a person to halt, to remain in one place, or to perform some act.
Examples are:
 - a. A routine traffic stop
 - b. A field evaluation of a person suspected of driving under the influence of liquor or drugs
 - c. A field interview.
 - 3. Basis for a stop/detention
 - a. A lawful “stop” or “detention” is warranted if an officer:
 - 1. Is in a place where he or she has a right to be, and
 - 2. Can articulate specific facts as to why they have reasonable suspicion to believe that:
 - a. Some activity related to crime has occurred, is occurring or is about to occur, and
 - b. The person detained is involved in that activity.
 - b. Specific and articulable facts
 - c. Tests determining the reasonableness of a detention:
 - 1. An officer must objectively entertain such suspicion and:

2. The facts must be such that any reasonable peace officer in a similar situation would come to the same conclusion
- d. Court recognized factors in reasonable suspicion:
 1. Appearance
 - a. Did the suspect resemble a wanted person?
 - b. Detentions may not be based upon race alone
 - c. Was the suspect in a wanted vehicle?
 - d. Did the suspect appear to be intoxicated or injured?
 2. Actions
 - a. Did the suspect appear to be casing the area?
 - b. Was the suspect parked in an unusual area?
 - c. Did the suspect appear to be hiding or loitering?
 - d. Was the suspect in the vicinity or proximity of a crime?
 - e. Did the suspect attempt to discreetly hide or throw something away (destroy evidence) when the officers approached?
 - f. Was the suspect running from a crime scene?
 - g. The mere running from an officer, without other factors, is not sufficient justification for a detention.
 3. Traffic violations
 - a. Did the suspect drive erratically or appear to be under the influence of drugs or alcohol?
 - b. Did the suspect commit a traffic violation?
 - c. Did the suspect's vehicle have an equipment violation?
 4. Prior knowledge of the person
 - a. Is the officer aware of the suspect having a prior arrest or conviction record?
 - b. Is the suspect otherwise known to have committed a serious offense?
 - c. Does the suspect have a history of committing the type of crime under investigation?
 5. Suspect demeanor during a detention
 - a. Was the suspect responsive?
 - b. Did the suspect give evasive, suspicious, or incriminating answers?
 - c. Was the suspect excessively nervous, belligerent or even too casual?
 6. Time of day
 - a. Is it the time of day when the type of crime being investigated is likely to occur?
 - b. Is it unusual for people to be in the area at this particular time of the day?
 7. Area of the stop
 - a. Is the suspect near the location of a known offense soon after its commission?
 - b. Is the suspect in an area known for an unusually high incidence of a particular criminal activity?
 8. Police training and experience
 - a. Does the suspect's conduct resemble the pattern or modus operandi followed in a particular series?
 - b. Does the officer have experience dealing with the particular kind of criminal activity being investigated?
 9. Sources of information
 - a. Citizen informants
 - b. Criminal informants

- 1. Reliable
 - 2. Unreliable
 - c. Confidential informants
- 10. Length of detention – must be reasonable
 - a. Officers may only detain a suspect long enough to determine:
 - 1. if there was, is, or might be a crime committed, and
 - 2. the suspect's involvement in the illegal activity
- 11. Use of force during a detention
 - a. If a suspect refuses to cooperate during a detention and attempts to leave, the officer may use reasonable force to compel the person to remain.
 - b. The force used may not be any more than the minimum amount of force required to gain compliance.
- F. Evidence
 - 1. Testimonial
 - 2. Confession
 - 3. Physical
- I. Identification Procedure

MODULE 5

5. ELEMENTS OF AN ARREST

A. Recognizing probable cause (**LD # 15, 2D**)

- 1. The legal standard for an arrest – probable (reasonable) cause
 - a. Definition
 - 1. Probable cause is usually defined as a set of facts that would cause a person of ordinary care and prudence to honestly believe and strongly suspect that the person arrested may have committed a crime.

B. Elements of a lawful arrest (Penal Code Section 834) (**LD #15, 1A3**)

- 1. An arrest may be by a peace officer or private person.
- 2. The arrested person must be taken into custody, in a case and in the manner authorized by law.
- 3. An arrest may be made by actual restraint of the person or the arrested person's submission to custody.
- 4. Reasonable force may be used to effect an arrest, prevent escape or overcome resistance.

C. Peace officer authority to make an arrest (**LD #15, 2A**)

- 1. Warrantless arrests for misdemeanors
 - a. "In presence"
 - b. Exceptions
 - c. Citations for infractions
 - d. Citations for misdemeanors
 - e. Peace officers are not required to make an arrest.
- 2. Warrantless arrests for felonies
- 3. Warrant arrests
- 4. Officer's authority to summon private citizens to come to their assistance
 - a. Penal Code Section 150
 - 1. Enabling statute

D. Day-time and night-time arrests (**LD #15, 1A4**)

- 1. Felony
- 2. Misdemeanor or infraction
- 3. Times an arrest warrant may be served

E. Legal requirements for entry to make an arrest (**LD #15, 2E**)

1. Entry into a residence
 - a. Knock and notice requirement
2. Who can make an entry
 - a. Private person
 - b. Police
3. Requirements for entry
4. Exceptions to the “knock and notice” requirement
5. Entry to make an arrest inside a residence generally requires a warrant
 - a. Exceptions
6. Information provided to an arrested person (**LD #15, 1A5**)
 - a. Exceptions
7. Follow-up requirements after an arrest (**LD #15, 2F**)
 - a. Misdemeanor release citations
 - b. Appearance before magistrate
 - c. Officer’s requirements when making an arrest pursuant to a warrant (Penal Code Section 848)
 - d. Officer’s requirements when making a warrantless arrest (Penal Code Section 849(a))
 - e. Releasing suspects from custody (Penal Code Section 849(b))
 - f. Record of release (Penal Code Section 849(c))
 - g. Right of an arrested person to make phone calls
 1. Adults
 2. Juveniles
8. Private person arrests (**LD #15, 2C**)
 - a. Felony arrest by private persons
 - b. Misdemeanor arrest by private persons
 - c. Right of a private person to summon assistance in making an arrest (Penal Code Section 839)
 1. Enabling statute
 - d. Duty of a private person making an arrest (Penal Code Section 847)
9. Refusal to accept an arrested person
 - a. Duty of officer to accept custody of a prisoner arrested by a private person
 - b. The requirement to take custody is binding even if the arrest is unlawful.
 - c. Liability
 - d. Satisfying the requirements of Penal Code Section 142
10. Conspiracy against rights of citizens (**LD# 15, 2H**)
 - a. Depriving persons of the rights provided by the United States Constitution
 1. U.S. Code Title 18, Section 241
11. Deprivation of rights under color of authority (**LD# 15, 2I**)
 - a. U.S. Code Title 18, Section 242
12. Exemption from false arrest civil liability
 - a. Liability
 - b. Obligation to make an arrest
13. Exceptions to powers of arrest (**LD #15, 1A7**)
 - a. Circumstances under which an officer is precluded from making an arrest
14. Administration of Miranda Warning (**LD #15, 1B**)
 - a. Must Mirandize if suspect is in custody and will be interrogated
 1. Definition of custody
 - A. Custody is objectively determined by the totality of circumstances, and is limited to formal arrest or equivalent restraint.
 2. Definition of interrogation
 - A. Interrogation means:

1. someone known to the suspect to be an officer engaging in
 2. direct questioning about a crime, or
 3. any words or action likely to elicit an incriminating response
 - b. Privilege against self incrimination
 1. Constitutional guarantee
 - c. Juveniles
15. Legal sufficiency of Miranda Warning (**LD #15, 2B**)
 - a. Admonition
 1. Any statements produced by in-custody interrogation may be inadmissible in court unless the suspect is advised of:
 - A. the right to remain silent;
 - B. the fact that anything the suspect says may be used against him/her in court
 - C. the right to have an attorney present while being questioned
 - D. the right to have an attorney appointed if the suspect cannot afford one
 - b. Waiver
 1. The subject must understand and have the ability to understand
 - c. Invoking Miranda rights
16. Exceptions to Miranda Rule (**LD #15, 2B**)
 - a. Consensual encounters (**LD#15, 2G**)
 - b. Traffic stops
 - c. Detentions
 - d. Exigent circumstances
 1. Emergency–Rescue Doctrine
 - e. General investigative questioning
 1. What?
 2. When?
 3. Where?
 4. Why?
 5. Who?
 6. How?
 7. Noncustodial questioning
 - A. Telephone
17. Exercise (**LD# 15, 3B**)
 - a. Given an exercise depicting person(s) acting suspiciously, the student will safely approach, contact, and interview the person(s) and, if arrested, advise of Miranda rights before interrogation.

MODULE 6

6. CUSTODY PROCEDURES

- A. Procedures – ensuring legal commitment to custody (**LD #31, 2A**)
 1. Acceptance into a facility
 - a. Initial booking
 - b. Commitment document
 2. Considerations for delivering persons to a local detention facility who may require special care, classification or protection (**LD# 31, 2E**)
 - a. Certain substance abusers
 1. Detoxification
 - b. Suicide risks
 - c. Persons with disabilities

- d. Sick and/or injured persons (**LD# 31, 2G**)
 - 1. Evaluation by an approved medical practitioner
 - 2. Acquisition of a medical clearance
 - 3. Notification of detention facility staff
 - e. Certain sex offenders
 - 1. Child molesters
 - f. Escape risks
 - g. Civil contempt prisoners
 - h. Homosexual prisoners
 - I. Known gang members
 - j. Other persons needing protective custody
 - 1. Police informants
 - 2. Diplomats
 - 3. Circumstances when a commitment is legal:
 - a. Existence of a valid court commitment document
 - b. Existence of a valid parole or probation commitment
 - c. A probable cause arrest
 - d. An en route commitment
 - 4. Court commitment documents may include:
 - a. Arrest warrants
 - b. Sentence orders
 - c. Remanding orders
 - 5. Parole or probation commitments
 - a. Presented by parole or probation officer
 - 1. Revocation of parole
 - A. Penal Code Section 3056
 - 2. Violation of probation
 - A. Penal Code Section 1215
 - 3. Certification for release
 - A. Welfare and Institutions Code 3151
 - 4. Sentencing probationer committed for another offense
 - A. Penal Code Section 1203.2
 - 5. Revocation of juvenile parole
 - A. Welfare and Institutions Code 1767.3
 - 6. Probable cause arrests
 - a. Accompanied by arrest report and booking sheet
 - 7. En route prisoner commitments
 - a. Documents
- B. Taking personal property of arrested person (**LD #31, 1A**)(**LD#31, 2B**)
 - 1. Receipt for property taken from prisoner
 - a. Authority (Penal Code Section 4003)
 - 1. Arresting officer
 - 2. Jail booking officer
 - 2. Proper description of seized property
 - a. Booking sheet
- C. Unlawful solicitation of business for an attorney (**LD #31, 1B**)
 - 1. Detention facility referral numbers
 - 2. Violation of Business and Professions Code Section 6152
 - 3. Punishment and crime classification for soliciting an attorney

- D. Inhumane or oppressive treatment of prisoners (**LD #31, 2C**)
 - 1. State law protections
 - 2. Penal Code Section 147
 - a. Elements
 - 3. Ethical concerns
- E. Assault under the color of authority (**LD #31, 2D**)
 - 1. Penal Code Section 149
 - a. Elements
 - 2. Cruel or unusual punishment
 - a. Penal Code Section 673
 - 1. Elements
 - 3. Ethical considerations
- F. Bring firearms/teargas into detention facility (**LD #31, 2L**)(**LD#31, 2F**)
 - 1. Law limiting bringing weapons into detention facility
 - a. Exceptions
 - b. Acceptable practices for securing weapons
 - 2. Weapons in custodial institutions and settings
 - a. Penal Code Section 457(a)
 - 1. Elements
 - 3. Weapon control in or about local detention facilities
 - 4. Considerations for securing weapons
 - a. Lockers
 - 5. Detention facility policy
- G. Search of arrestee by officer (**LD #31, 2H**)
 - 1. Circumstances and conditions
 - a. Types of searches
 - 1. Physical
 - 2. Strip
 - 3. Visual body cavity search
 - 4. Body cavity
 - 2. Legal requirements
 - a. Misdemeanor
 - b. Felony
 - 3. Documentation
- H. Statutory and constitutional rights of prisoners/arrested persons (**LD# 31, 2I**)
 - 1. An arrested person is entitled to private, unmonitored conversations between an attorney, spiritual advisor, or licensed physician.
 - a. Penal Code Section 636
 - 1. Person-to-person conversations
 - 2. Telephone conversations
 - 2. A person who willfully deprives an arrested person of his/her right to private, unmodified conversations as required by Penal Code Section 636 is guilty of a felony.
- I. Deprivation of arrestee's right to make phone calls (**LD #31, 2J**)
 - 1. Adults right to three completed phone calls within three hours of arrest
 - a. Exceptions
 - 2. Requirements
 - a. Arresting officer
 - 3. Monitoring and recording conversations
 - a. Exceptions

- J. Deprivation of minor's right to make phone calls (**LD #31, 2J**)
 - 1. Juveniles right to at least two complete calls within one hour of arrest
 - a. Parent
 - b. Attorney
 - 2. Requirements
 - a. Arresting officer
 - 3. Monitoring and recording conversations
 - a. Exceptions
- K. Eavesdropping on a prisoner (**LD #31, 2K**)
 - 1. Prisoner rights
 - a. Attorney
 - b. Spiritual advisor
 - c. Licensed physician
- L. Learning activity (**LD# 31, IV.**)
 - 1. The student will participate in a facilitated discussion which relates to the legal responsibilities of a peace officer in the care and custody of an arrested person from the time of arrest to the transfer of responsibility to a local detention facility. At a minimum, the discussion must address:
 - a. Legal basis for the custody
 - b. Pertinent laws relating to the care and custody of the arrested person
 - c. Officer's responsibilities during intake
 - d. Actions of custodial personnel upon receipt of the arrested person

MODULE 7

7. CRIME CHARGING PROCEDURE

- A. Decision to Prosecute
 - 1. Discretion of prosecuting attorney (Government Code Section 26500)
 - a. City Attorney
 - b. District Attorney
 - c. Attorney General
- B. Limitations on Prosecutorial Discretion
 - 1. Attorney General
- C. Crime Charging Standards
 - 1. Does the evidence satisfactorily show the suspect's moral guilt?
 - 2. Is there legally sufficient, admissible evidence to establish a corpus delicti and the perpetrator's identity?
 - 3. Considering the quality and quantity of the admissible evidence, together with any reasonably foreseeable defenses, is it probable that an objective fact-finder would find the suspect guilty?
- D. Charge Selection
 - 1. Factors
 - a. Seriousness of defendant's conduct
 - b. Nature and extent of injuries, loss, or damage
 - c. Defendant's prior criminal record
 - d. Probability of continued criminal conduct
 - e. Eligibility for probation
 - f. Particular vulnerability of the victim
 - g. Use of firearm or deadly weapons
 - h. Baseness of motive
 - I. Societal need for deterrence

- j. Apparent affirmative defenses
 - k. Proof problems
 - l. Severity of this case as compared with like crimes previously prosecuted as felonies or misdemeanors
- E. The Pleadings
 - 1. Citation (Penal Code Section 853.6)
 - a. Infractions
 - 2. Complaint
 - a. Misdemeanors
 - 3. Information
 - a. Felonies
 - 4. Indictment
 - a. Grand Jury
- F. Attacks on Charging
 - 1. Compliance with Constitutional standards
 - a. Due process
 - b. Equal protection
- G. Alternatives to Charging
 - 1. Decline to charge
 - 2. Conduct an office “hearing” to arrange voluntary resolution
 - 3. Refer to other enforcement agencies
 - 4. Return for further investigation
 - 5. Present to Grand Jury
- H. Dismissal of Charges
 - 1. Misdemeanor
 - 2. Felony

MODULE 8

8. PRELIMINARY PROCEDURE

- A. Securing Defendant’s Appearance
 - 1. Infraction
 - 2. Bail
 - a. Definition
 - 1. A security deposited with a competent court or magistrate that assures that the accused will appear for trial when summoned
 - A. Misdemeanor
 - B. Felony
- B. Arraignment
 - 1. Definition
 - a. A legal procedure whereby a court informs defendants of the charges against them, ascertains whether defendants are the persons wanted, advises defendants of their rights, and asks for their pleas.
 - 2. Mental capability
 - 3. Representation by counsel
 - 4. Issuing judge
 - 5. Out of court arraignment
 - 6. Defendants plea
 - 7. Setting of bail
- C. Release From Custody

1. Release on own recognizance
2. Release on bail
3. Confinement
- D. Preliminary Hearings
 1. Definition
 - a. The hearing by a judge to determine whether a person charged with a crime should be bound over for trial.
 2. Purpose of the Preliminary Hearing
 - a. A device for screening cases before they go to Superior Court
 - b. Its purpose is to determine if there is reasonable ground to believe:
 1. A crime has been committed
 2. The defendant appears to be guilty thereof
 3. Where preliminary hearing are held
 - a. Municipal Courts
 - b. May be assigned to any of the Municipal Courts by the presiding judge of the Municipal Courts
 4. Waiving right to preliminary hearing
 - a. Guilty plea
 5. The evidence at the preliminary hearing must be enough to determine “sufficient cause.”
 - a. Bound over for trial
 - b. Recommendation/Denial of bail
- E. Motions
 1. Penal Code Section 995

MODULE 9

9. PRETRIAL PROCEDURE
 - A. Importance of Pretrial Procedure
 1. Challenges
 2. Maneuvers
 - B. Attacks on the Forum
 1. Peremptory challenge
 - a. Authority
 2. Challenge for cause
 - a. Authority
 3. Change of venue
 - a. Authority
 - C. Attacks on the Pleadings
 1. Motion to consolidate
 2. Motion to sever counts
 3. Motion to sever defendants
 - D. Time of Trial
 1. Motion to continue
 2. Due process motion to dismiss
 3. Speedy trial motion to dismiss
 4. Statutory motion to dismiss
 - E. Discovery Motions
 1. Motion to disclose informant
 2. Pitchess motion
 3. Hitch/Trombetta/Youngblood motions

- 4. Meja motion
- 5. Lineup motion
- 6. Motion to compel exemplars
 - a. Handwriting
 - b. Voice
 - c. Fingerprints
 - d. Photographs
 - e. Blood samples
- F. Marsden Motion
- G. Evidentiary Motions
 - 1. Motion to declare priors unconstitutional
 - 2. Motion to suppress
 - 3. Harvey–Whitely
 - 4. Motion to traverse a search warrant
 - 5. Kelly–Frye motion
- H. Penal Code Section 995 Motion
- I. Pretrial Writs

MODULE 10

10. ALTERNATIVES TO TRIAL

- A. Non–Trial Disposition
- B. Guilty Plea
 - 1. Pre–plea report
 - 2. Plea bargaining
 - 3. Indicated sentence
 - 4. Slow plea
 - 5. Tahl/Boykin waivers
- C. Diversion
 - 1. Specified narcotics and drug abuse offenses
 - a. Penal Code Section 1000
 - 2. Domestic violence cases
 - a. Penal Code Section 1000.6
 - 3. Child abuse and neglect
 - a. Penal Code Section 1000.12
 - 4. Misdemeanors
 - a. Penal Code Section 1001, 1001.50
 - 5. Mentally retarded misdemeanants
 - a. Penal Code Section 1001.20
 - 6. Bad checks
 - a. Penal Code Section 1001.60
 - 7. Parent contributing to the delinquency of a minor
 - a. Penal Code Section 1001.70
- D. Office Hearing
 - 1. Mediation
- E. District Attorney Probation
 - 1. Six–month continuance
 - a. Dismissal
- F. Civil Compromise
 - 1. Penal Code section 1377 & 1378

- 2. Discretion of the judge
- G. Immunity to Testify
 - 1. Culpability
 - 2. Transactional immunity
 - 3. Use immunity
 - 4. Misdemeanor
 - a. Informal
 - 5. Felony
 - a. Formal
- H. Mental Treatment Alternatives
 - 1. Suspension of criminal proceedings
 - 2. Evaluation of mental competency
 - a. 72-hour evaluation
 - 1. Welfare and Institutions Code 5150
 - 3. Restoration of mental competency
- I. Trailing Greater Offense
 - 1. Multiple cases
 - a. Concurrent sentences
 - 2. Course of action for acquittal
- J. Deportation
 - 1. In lieu of prosecution
 - 2. Deportation after sentence
- K. Dismissal/Dismissal – Release
 - 1. Abolishment of Nolle Prosequi
 - a. No further prosecution
 - 2. Penal Code Section 1386
 - a. Lawfully diverted
 - b. Civilly compromised
 - c. Prosecuted to conclusion
 - d. Dismissed
 - 3. Legitimate reasons for discontinuing a case
 - 4. Discretion of judge
 - a. Furtherance of justice

MODULE 11

11. PREPARATION FOR TRIAL

- A. Importance of Preparation
 - 1. Adversary system
 - a. Intelligence gathering
- B. Evaluating the Attorney
 - 1. Strategy
 - a. Planning tactics
- C. Forum Shopping
 - 1. The judge
 - 2. Attorney peremptory challenge
 - 3. Use of delay
- D. Witness Evaluation and Preparation
 - 1. Identify the witness
 - 2. Identification of what they know

3. Attorney reading of reports
 - a. Contacting witnesses
 1. Documentation
4. Evaluation of testimony
5. Expert witnesses
 - a. Evidence Code Section 720
- E. Conditional Examination of Witnesses
 1. Deposition
 2. Conditional Examination
- F. The Subpoena Process
 1. Personal interest of the witness
 2. Personal risk of witnesses
 - a. Reluctance to testify
 3. Issuance from:
 - a. Judge
 - b. Court clerk
 - c. Defense attorney
 - d. District attorney
 - e. Public defender
 4. Jurisdictional boundaries
 5. Service to peace officers
 6. On-call agreements
- G. Subpoena Duces Tecum
 1. Requirement of supported affidavit
 - a. Code of Civil Procedure 1985
 1. Must have the following:
 - A. Show good cause for production of the items sought
 - B. Specify the exact things to be produced
 - C. Set forth the materiality of the evidence and
 - D. Allege that the witness has possession or control of the items
- H. Jury Book
 1. By prosecution
 2. By public defenders
- I. Crime Scene Inspection
 1. Attorney
 - a. Review of statements
 - b. Recreation of crime
- J. Presentation Aids
 1. Audio-visual
 - a. Selection of
- K. Exhibits and Exhibit Sheets
 1. Description and marking of evidence
 2. Attorney preparation of exhibit sheet
 3. Packaging of evidence
- L. Case Research by Attorneys
 1. Identification of probable legal issues
- M. Trial Notebook
 1. The volume of reports
 2. Logical sequence

MODULE 12

12. TRIAL PROCEDURE

- A. Rules of Procedure
 - 1. Sources
 - a. Amendments
 - b. California Constitution
 - c. Penal Code
 - d. Code of Civil Procedure
 - e. Evidence Code
 - f. Judicially–Declared Rules of Procedure
- B. Waiver of Jury Trial
 - 1. Agreement of Prosecution and Defense
- C. Jury Selection – Voir Dire Process
 - 1. Panel of potential jurors
 - 2. Felony cases
 - a. Twelve jurors
 - 3. Misdemeanor cases
 - b. Six to twelve jurors
 - 1. The need for agreement
 - 4. Voir Dire Process
 - 5. Challenge for cause
 - a. Peremptory
- D. Attachment of Jeopardy
 - 1. When jeopardy is attached
- E. Opening Statement
 - 1. Prosecutor
 - a. Summary outline of evidence
 - b. Absence of argument
 - 2. Defense
 - a. Outlining the defense
 - b. Absence of argument
- F. Factual Stipulations
 - 1. Agreement to stipulation
- G. Case–In–Chief
 - 1. Burden of proof on prosecution
 - 2. Examination of witnesses
 - a. The court is responsible for insuring that witnesses are examined without waste of time or undue harassment or embarrassment.
 - b. Witnesses must give responsive answers.
 - c. Improper questioning
 - d. The use of leading questions
 - e. Refreshing recollection by use of notes or reports
 - f. Results of hypnosis
 - g. Exclusion of witnesses
 - h. Ability to understand the truth
 - I. The oath
 - j. Right to confront witnesses
 - k. Restraint of defendant
 - l. Direct examination

- m. Cross examination
 - n. Relevancy of evidence
 - o. Use of hearsay evidence
 - p. Defendant not required to testify
- H. Defense
 - 1. 1118 motion
 - a. Motion for dismissal for insufficiency of evidence
 - 2. Mistake of fact
 - 3. Accident or misfortune
 - 4. Duress
 - 5. Necessity
 - 6. Insanity
 - 7. Unconsciousness of the act
 - 8. Entrapment
 - 9. Legal duty, privilege, or immunity
 - 10. Mistake of law
 - 11. Double jeopardy
- I. Rebuttal
 - 1. Defense offering of
- J. Surrebuttal
 - 1. Prosecution offering of
- K. Argument
 - 1. Prosecution opening argument
 - a. Issues of law
 - b. Evidence produced
 - 2. Defense makes argument
 - a. Response to prosecution
 - 3. Prosecution closing argument
 - a. Reply to the defense
- L. Motion for Mistrial
 - 1. Prejudicial error
- M. Charging the Jury
 - 1. Instruction to the jury
 - a. Law relevant to the charges
- N. Deliberations and Verdict
 - 1. Availability of notes, exhibits, and written instructions
 - 2. Jury sequestering
 - 3. Jury admonishment
 - 4. Announcement of the verdict
 - a. Guilty
 - b. Not-Guilty
 - 5. Determination of the degree of crime
- O. Access to Trial
 - 1. Defendant's right to a fair trial
 - 2. Public's right to free speech and press

MODULE 13

13. TESTIMONIAL PROCEDURE

A. Preparation

1. Talk to the attorney
2. Review reports
 - a. Written
 - b. Audio
 - c. Visual
3. Visit the scene
4. Review the evidence
5. Prepare exhibits
6. Maintain a resume of expertise
7. Get intelligence
- B. Demeanor
 1. Verbal testimony
 2. Credibility
 3. Appropriate attire
 4. Be on good behavior.
 5. Be on guard.
 6. Be courteous.
 7. Be prompt.
 8. Be serious, but be human.
 9. Be sharp.
- C. Testifying on Direct Examination
 1. Staying in bounds
 2. Answering the right question
 3. Being disciplined
 4. Knowing, not knowing, and approximating
 5. Using chalkboards and diagrams
 6. Making eye contact
 7. Reacting to objections
- D. Testifying on Cross Examination
 1. Being objective
 2. Handling leading questions
 3. Correcting mistakes
 4. Staying level

MODULE 14

14. SENTENCING PROCEDURE

- A. Sentencing Objectives
 1. Determining punishment
 - a. Objectives of the sentencing
 1. Punishment
 2. Protection of the public
 3. Deterrence
 4. Restitution to victims
 5. Rehabilitation of the offender
- B. Sentencing Concepts
 1. Cruel and unusual punishment
 - a. Eighth Amendment
 - b. California Constitution
 2. Proportionality

- a. Culpability
- 3. Multiple punishment
 - a. Penal Code Section 654
- C. Probation Sentencing Report
 - 1. Felony
 - a. Statutory eligibility
 - 2. Misdemeanor
 - a. Court's discretion
 - 3. Penal Code Section 1203(b)(d), 1203.10
 - a. Presentence report
 - 1. Defendant's background
 - 2. Circumstances of the offense
 - 3. Recommendation for or against probation
- D. Time for Sentencing
 - 1. Preparation of information
 - 2. Argument
 - 3. Felony
 - a. Requirement of delay between verdict and sentencing
 - b. Set within 28 days after verdict or plea
 - 4. Misdemeanor and infractions
 - a. Minimum of six hours
 - b. Maximum of five days
- E. Sentencing Options
 - 1. CYA diagnostic
 - a. Restrictions
 - 2. Narcotics facility commitment
 - a. Courts knowledge of drug use
 - 1. Narcotic detention
 - 2. Treatment and rehabilitation
 - A. Exceptions
 - 3. Probation and conditional sentence
 - a. Suspended sentence
 - b. Conditional sentence
 - c. Restrictions
 - 4. House arrest
 - a. Restrictions and conditions
 - 5. Fines
 - a. Limitations
 - 1. Infraction
 - 2. Misdemeanor
 - 3. Felony
 - 6. Jail
 - a. Limitations
 - b. Concurrent sentence
 - c. Consecutive
 - 7. Prison
 - a. Limitations
 - 1. Indeterminate sentence
 - b. Sentence-computation formula

1. Lower
2. Middle
3. Upper
8. Execution
 - a. Limitations
 - b. Restrictions
9. Other sentencing components
 - a. Registration in community
- F. Pronouncement of Judgment
 1. Arraignment for sentence
 - a. Defendant to be informed
 - b. Allegations of insanity

MODULE 15

15. POST-CONVICTION ISSUES

- A. Motion for New Trial
 1. Statutory grounds for new trial
 - a. Defendant was unlawfully tried in absentia.
 - b. The jury obtained evidence from an outside source.
 - c. The jury separated during deliberations without court approval, or was guilty of misconduct.
 - d. The jury decided guilt by lottery or other method of chance.
 - e. The court gave erroneous instructions or made erroneous rulings, or the prosecutor committed prejudicial misconduct.
 - f. The verdict is contrary to law or the evidence.
 - g. New evidence is discovered that could not have been obtained for the first trial, and it is material to the defense.
 - h. No reporter's transcript of the proceedings at trial is available, in a case where such transcript is required
- B. Motion in Arrest of Judgment
 1. Purpose
- C. Writ of Error Coram Nobis
 1. Definition
 - a. Asking the trial court to vacate the judgement of conviction itself, due to a factual error, without waiting for appellate reversal
- D. Appeals
 1. Prosecution appeal
 - a. An order dismissing the charges before the defendant has been placed in jeopardy or where he/she has waived jeopardy
 - b. An order setting aside a complaint, indictment, or information
 - c. An order granting a new trial
 - d. An order arresting judgement
 - e. An order reducing the conviction to a lesser offense
 - f. An order dismissing a case under P.C. 1385
 - g. An order imposing an unlawful sentence
 - h. An order recusing the district attorney
 - i. A judgement of dismissal based on the granting of a demurrer
 - j. An order made after judgement affecting the substantial rights of the people
 2. Defense appeal
 - a. Appellate rights

- 3. The California Appellate System
 - a. Justice and Municipal Courts
 - 1. Three-judge panel of the superior court
 - A. Decisions are final
- 4. Appellate procedure
 - a. Notice of appeal
 - 1. Appellate brief
- 5. The Federal Appellate System
 - a. Petition for writ of certiorari
 - b. Habeas corpus
- E. Prisoners' Rights
 - 1. Challenges of conditions
 - 2. Prisoners civil rights
- F. Parole
 - 1. Definition
 - a. Parole is a conditional early release from prison
 - 2. Revocation
- G. Executive Clemency
 - 1. Reprieve
 - 2. Commutation
 - 3. Pardon
 - 4. Indemnification
- H. Judicial Clemency
 - 1. Governor's pardon

MODULE 16

16. JUVENILE JUSTICE PROCEDURE

- A. Purpose and nature of Juvenile Procedure
 - 1. Minimum age for prosecution
 - 2. History
 - 3. Protective services
 - 4. Delinquent conduct
 - 5. Duties
- B. Investigation of Juvenile Crime
 - 1. Search and seizure
 - a. Probable cause to stop
 - b. Police
 - c. Civilian
 - 2. Arrest and detention
 - a. Broader authority
 - b. Notification of parents
 - c. Phone calls
 - d. Police officer options
 - 1. Release the minor.
 - 2. Deliver the minor to a treatment facility.
 - 3. Issue a citation.
 - 4. Deliver the minor to the county probation officer.
 - 3. Interrogation
 - a. Miranda procedure

C. Adjudication of Juvenile Cases

1. Application for petition
2. Petition
3. 654 Probation
4. Detention hearing
5. Dennis H. Hearing
6. Jurisdiction and venue
7. Motion to suppress
8. Fitness hearing
9. Jurisdictional hearing
10. Public access
11. Rehearing and appeals

F. Disposition

1. Segregation of juveniles
2. Age restrictions and incarceration
3. Dispositional hearing
 - a. The probation officer submits a social study of the minor and makes recommendations as to disposition.
 - b. Prosecution and defense attorney position

MODULE 17

17. CASE BRIEFS

MODULE 18

18. MOOT COURT

SECTION III

RESOURCES

Guest Speakers: District Attorney, Public Defender, Magistrate, Uniformed Officer, Detective.

Audio–Visual: Due to time considerations for this course, lengthy audio/visual presentations are not suggested. P.O.S.T. monthly satellite broadcasts, telecourses and applicable District Attorney-produced training tapes are recommended.

Case Law Research: Selected appellate decisions from the United States Supreme Court, California Supreme Court, California District Court of Appeals, and the Ninth U.S. Circuit Court of Appeals.

APPROPRIATE READING

Students will be required to read assigned college level materials which may include textbooks, supplemental reading assignments, professional journals, court decisions, and other available pertinent literature.

WRITING ASSIGNMENTS

Written assignments may include classroom assignments, reports on specific related topics, case briefs, and notebooks. All assignments will require that the student demonstrate an understanding of college level material.

APPROPRIATE OUTSIDE ASSIGNMENTS

Students are expected to spend appropriate time outside the classroom in practice and preparation for in-class activity. Appropriate assignments include:

- a. Researching appropriate readings
- b. Preparing research reports, i.e. case briefs
- b. Preparing writing assignments
- c. Performing field assignments projects

APPROPRIATE ASSIGNMENTS DEMONSTRATING CRITICAL THINKING

Critical thinking will be required of students in such assignments and activities as written and oral analysis, evaluation of readings, lectures, comments, ideas and observations.

Oral presentations in class requiring deductive analysis from text, cases, and critical incidents occurring in the criminal justice system.

Evaluate current criminal justice system procedures and consider alternatives that could increase the overall efficiency of the system.

METHODS OF EVALUATION

A student's grade will be based on multiple measures of performance and will reflect the level of accomplishment of the objectives set forth above as well as a level of proficiency demonstrated in the activities enumerated under "Content and Scope." Specified "Learning Domains" and "POST Objectives" will be closely adhered to. A final grade of "C" or better should indicate that the student has the ability to successfully apply the principles taught in this course to subsequent courses, to the workplace, or to personal goals as appropriate. The assessment process will also measure independent critical thinking skills and will reflect the student's ability to demonstrate his/her accomplishments by;

- a. Performing the manipulative skills as needed to satisfactorily complete laboratory/field assignments
- b. Applying theory to laboratory/field assignments
- c. Performing on written, oral, or practical examinations
- d. Performing on outside assignments including writing assignments
- e. Contributing to class discussion
- f. Maintaining attendance per requirements

REQUIRED TEXTS – SUPPLIES

Textbooks and other supplemental materials required for this courses will be determined by the instructor and approved by the department. Texts and supplies will be of college level quality.

REFERENCES – SUGGESTED READINGS

Opinions from the Attorney General, State of California.

Rutledge, Devallis. California Criminal Procedure, 3rd ed. -Lacerville, CA: Copperhouse Publishing Company, 1994.

Law Enforcement

State of California, Commission on Peace Officer Standards and Training, Unit Guides for the Basic Law Enforcement Course (LD #15 – Laws of Arrest; LD #31 – Custody)

State of California, Department of Justice – Office of the Attorney General, Peace Officer's Legal Sourcebook, Joel Carey, Editor, Sacramento, CA., 1995.

State of California Penal Code, 1995 Compact Edition, West Publishing Company, 1995.

Dictionary of Criminal Justice Terms, Gould Publications, Inc., 1990. 1333 North US Highway 17–92, Longwood, Florida, 32750–3724.

APPLIED REPORT WRITING FOR LAW ENFORCEMENT
Hourly Distribution

WEEK 1 (August 19–23, 1996)

Course orientation	
Responsibility for taking reports	(LD18F)
Definition of a Police Report	(LD18C)
Types of reports	(LD18F)
Purposes of police reports	(LD18A)
Other uses of Police Reports	(LD18A)
Introduction to 1st person, active voice, past tense	(LD18H,I)

WEEK 2 (August 26–30, 1996)

Definition of a Police Report	
Characteristics of an acceptable law enforcement report	(LD18C)
Factual	(LD18G)
Clear	(LD18I)
Note taking	(LD18B)
Report content requirements	(LD18F)
Introduction of Who, What, When, Where, Why, How, How Many	
GROWE	(LD18C,G,H)
gather the facts	
record the facts	
organize the facts	
evaluate the report	

WEEK 3 (September 2–6, 1996)

Note taking	(LD18B)
The Three Phase Interview	(LD18B,C,DF,G,H)
Active voice vs passive voice	(LD18H)(LD18I4)
Use of first person	(LD18I5)
Review of basic writing mechanics	(LD18H)
Proper grammar, punctuation spelling, word choice, and syntax	

WEEK 4 (September 9–13, 1996)

Report content requirements	(LD18F)
Introduction of property descriptions	
Note taking	(LD18B)
Three Phase Interview	
Organization and structure of report narratives	(LD18D)
Logical relationships between narrative elements	(LD18I1,2,3)
Chronological sequencing of events	
Natural Vocabulary	
Completing the report	(LD18I)
Writing the report	(LA–A/C)
Misdemeanor battery report	(EX18B)

WEEK 5 (September 16–20, 1996)

Requirements for report content	(LD18F)
Introduction of suspect descriptions	
Organization and structure of report narratives	(LD18D)
Completing the report	(LD18I)
Writing the report	(LA–A/C)
Misdemeanor petty theft report	(EX18B)

WEEK 6 (September 23–27, 1996)

Requirements for report content	(LD18F)
Introduction of multiple suspect descriptions	
Organization and structure of report narratives	(LD18D)
Practical exercise – suspect descriptions	
Completing the report	(LD18I)
Writing the report	(LA–A/C)
Misdemeanor battery report	(EX18B)

WEEK 7 (September 30–October 4, 1996)

Requirements for report content	(LD18F)
Introduction of vehicle descriptions	
Characteristics of	(LD18C)
Discussion of ethics, accuracy, court room testimony	
Completing the report	(LD18I)
Writing the report	(LA–A/C)
Assault with a deadly weapon	(EX18B)

WEEK 8 (October 7–11, 1996)

Note taking	(LD18B)
Notes vs. no notes exercise	
Completing the report	(LD18I)
Requirements for report content	(LD18F)
Introduction of physical evidence	
Evidentiary value	
Record of collection/chain of custody	

WEEK 9 (October 14–18, 1996)

Considerations for specific reports	(LD18C,F)
Writing the report	(LA–A/C)
Report format for physical evidence	
Mid–Term Exam	

WEEK 10 (October 21–25, 1996)

Considerations for specific reports	(LD18C,F)
Forms completion	
Requirements for report content	(LD18F)
Introduction of Miranda	
Anticipating defenses asserted by a suspect	(LD18E)

Law Enforcement

WEEK 11 (October 28–November 1, 1996)

Requirements for report content	(LD18F)
Suspect statements – Question/Answer	
Narrative Summary	
Anticipating defenses asserted by a suspect	(LD18E)
Juveniles and Miranda	
Writing the report/Arrest Report	(LA–A/C)
Possession of narcotics paraphernalia/arrest	(EX18A)

WEEK 12 (November 4–8, 1996)

Completing the report	(LD18I)
Writing the report	(LA–A/C)
Assault with a deadly weapon/suspect arrested	(EX18A)
Considerations for specific reports	(LD18C,F)
Introduction of Domestic Violence	

WEEK 13 (November 11–15, 1996)

Requirements for report content	(LD18F)
Domestic Violence reporting procedures	
Bias–related crimes	
Completing the report	(LD18I)
Writing the report/arrest report	(LA–A/C)
Domestic Violence report/arrest	(EX18A)
Bias related crime vandalism report	(EX18B)

WEEK 14 (November 18–22, 1996)

Completing the report	(LD18I)
Writing the report	(LA–A/C)
Robbery report	(EX18B)

WEEK 15 (November 25–29)

Writing the report	(LA–A/C)
Completion of Robbery report	
Considerations for specific reports	(LD18C,F)
Introduction of memorandum, incident, and probation reports	

WEEK 16 (December 2–6, 1996)

Completing the report	(LD18I)
Writing the report	(LA–A/C)
Write a memorandum	

WEEK 17 (December 9–13, 1996)

Considerations of specific reports	(LD18F)
Characteristics of an acceptable law enforcement report	(LD18C)
Organization and structure of report narratives	(LD18D)
An understanding of facts and inference	(LD18G)
Elements of clear writing	(LD18I1–5)
Logical relationships between narrative elements	
Chronological sequencing of events	

Law Enforcement

Natural vocabulary

Active Voice

First person

General overview of course content in preparation for the final exam

WEEK 18 (December 13–19, 1996)

Final report completion

(LA-A/C)

Applied Report Writing For Law Enforcement

Prepared by: Steve Segura, Sacramento Police Department, Sacramento, CA

INSTRUCTIONAL PROGRAM

Over a 18 week period, one hour, three days per week, present instruction to students who have an interest in criminal justice; using lecture, discussion, role playing, and scenarios.

GOAL

The course will cover the techniques of:

1. communicating facts, information and ideas in an effective, simple, clear and logical manner, as they are applied to the various types of reports and memoranda used in the criminal justice system
2. criminal justice technology, the proper use of English, organization of information, and practical application of these areas in:
 - a. note taking
 - b. proper completion of felony and misdemeanor crime reports, memos and routine forms
 - c. the presentation of testimony in court.

LEARNING NEEDS ASSESSMENT

Although most student's curriculum comprises the need to present written information, many of those interested in pursuing a criminal justice career have not been exposed to, or are not prepared for the amount of paper work necessary to perform the job.

1. It is recommended that a prerequisite of eligibility for English 57 and 72 is advised.
2. The listed prerequisites are especially important for English as a second language students, as the need for their primary language skill in the field is very apparent.
3. Too often, students do not understand that for almost every official action taken by a law enforcement officer, a report must be written.

LEARNERS

The learners in the course will be seeking POST Basic Academy Certification, planning on seeking a career in the field of criminal justice.

1. This includes students who are, or will be seeking positions with police, sheriff, corrections, district attorney's offices etc.
2. The learners will need to have basic reading and writing skills prior to coming to the class.

LEARNING OBJECTIVES

1. When presented with the basic techniques of note taking, the student will be able to satisfactorily analyze and compile data for use in formal reporting in order to gain confidence in writing.
2. Given case studies and role play situations, the student will demonstrate to the satisfaction of the instructor, basic proficiencies and the ability to synthesize a situation and break crimes into reportable elements.
3. The student will demonstrate the basic steps of interviewing, using non-verbal observation and communication and write a satisfactory report on any interview or interrogation.
4. In assigned exercises, the student will satisfactorily apply basic English rules to good reporting structures and describe property and other evidentiary items in a proper format.

Law Enforcement

5. Given case studies and role play situations, the student will demonstrate the ability to obtain identifying information re: victim's, witnesses, and suspects and apply this information in a proper report format.

LEARNER ACTIVITIES

1. Attend regularly scheduled classes
2. Participate in class discussions
3. Participate in group exercises and class role play situations
4. Take organized and concise notes of oral presentations, scenarios, etc.
5. Complete assigned exercises
6. Complete workbook assignments
7. Practice interview techniques
8. Write clear, complete, concise, legible, accurate and factual crime reports

INSTRUCTOR ACTIVITIES

1. Over 18 weeks, 50 minutes per session, present lecture on applied report writing for law enforcement.
2. Facilitate various role play and scenario situations used for report information.
3. Demonstrate various techniques of interviewing during role play situations.
4. Monitor the student's activities while they practice, take notes, and write reports.
5. Correct and review assignments with students to provide feedback and direction.

SUPPORT SERVICES

1. Equipment
 - a. Overhead projector
 - b. VHS video recorder and monitor
2. Facility
 - a. Standard classroom
3. Materials
 - a. Report forms
 - b. Face page
 - c. Supplemental persons page
 - d. Narrative pages
4. Texts
 - a. For The Record: Report Writing In Law Enforcement, 1987, Karen M. Hess, Ph.D., Innovative Systems Publishers.
 - b. Spelling For Law Enforcement, 1987, by David Sanderlin, Ph.D., Innovative Systems Publishers.
 - c. Optional text: The Least You Should Know About English, by Teresa Glazier (Holt, Rinehart, and Winston, publishers).

COURSE SCOPE AND CONTENT

- I. Course Orientation
 - A. Basic introductions

3 Hours

Law Enforcement

B. Class syllabus describing course content, expectations, necessary texts and interactive learning design
(LD18)

1. attendance and class participation
2. testing and grading policies (holistic scoring guide)
3. outside class assignments

C. Explanation of the Basic Course Transition Program

II. Definition of a police report

(LD18C) 1 Hour

- A. It relates the words or sense of something said
- B. It is a written record or summary
- C. It gives a formal or official account of happenings
- D. It is a permanent written record of law enforcement activity which documents important facts

III. The importance of a good report

(LD18F/G) 1 Hour

- A. Professionalism
- B. Ethics
- C. Courtroom testimony

IV. Responsibility for taking reports

(LD18F) 1 Hour

- A. By law, the Chief of Police or Sheriff is required to furnish a report of all felonies, and specified misdemeanor sex crimes, to the state on the form approved by the Department of Justice (Penal Code 11107, 11108, and 11110)
 1. This legal responsibility is delegated to individual officers
 - a. Deliberate failure to report a crime may be considered a dereliction of duty and grounds for disciplinary action
 - b. Knowingly making a false report is a criminal offense

V. Purposes of a police report

(LD18A) 2 Hours

- A. To assist with the identification, apprehension and prosecution of criminals
 1. Serve as a source document for filing criminal complaints
 2. Provide a record of all investigations
 3. Provide information to identify the modus operandi (mode of operation) of individual offenders
- B. To provide information to prosecutors, defense attorneys and other law enforcement agencies
 1. Document agency actions
 2. Satisfy mandatory reporting requirements (e.g., child abuse, missing persons, etc.)
 3. Rule of Discovery
- C. To assist officers in refreshing their memory before testifying. They may serve as the sole basis for providing testimony absent independent recollection.
- D. To assist officers in preparing to provide hearsay testimony at preliminary hearings.
- E. To assist criminal justice researchers in studying and reporting on the activities of the criminal justice system.
- F. To document events which involve potential civil liability
 1. Documentation of police actions at noncriminal events may be critical during subsequent civil litigation.

VI. Other uses of police reports

(LD18A) 2 Hours

- A. Provide statistical information that is used to:
 1. Analyze crime trends
 2. Determine the need for additional employees and equipment

3. Determine personnel deployment requirements
 4. assist community needs
 5. Generate uniform crime reports
 6. Identify specialized enforcement needs
- B. Provide a source of information for officer evaluation by reflection:
1. Working knowledge of the law, departmental policies and procedures
 2. Ability to recognize evidence and relevant information and the ability to apply those effectively withing the parameters of the law
 3. Personal biases
 4. Good report writers often earn choice assignments or promotions/poor report writers may suffer a stagnant career
- C. Reports serve as reference material used by:
1. Insurance companies
 2. The media
 3. Local, state and federal agencies

VII. Types of reports

(LD18F) 2.5 Hours

- A. Crime/Incident report
1. Describes the elements of a crime and/or summarizes the incident
 - a. Identification of involved parties
 - b. Victim/Witness/Suspect statements
 - c. Officer's observations and actions
 - d. Description of physical evidence
 - e. Other pertinent information
- B. Arrest report/booking sheet
1. Contains identifying information about the suspect and a description of charges upon which the suspect will be booked.
- C. Event-specific reports
1. Many agencies have separate forms for certain types of incidents
 - a. Traffic collision reports
 - b. Use of force reports
 - c. Auto theft reports
 - (1) Drug Influence reports
 - (2) Driving under the influence reports
 - d. Task specific reports (procedural)
 - (1) Evidence tag/chain of custody forms
 - (2) Laboratory service requests
 - (3) Photo reports

VIII. Characteristics of an effective police report

(LD18C) 3 Hours

- A. Reports must be:
1. Factual **(LD18G)**
 - a. Corpus delicti
 - b. Knowledge of the case
 2. Objectivity
 3. Existence of facts **(LD18G)**
 4. Opinions
 - a. Must be devoid of bias or prejudice

- B. Accurate
 - 1. Based upon good field notes
 - 2. Careful, thoughtful, and impartial recording all the relevant information and facts
 - 3. No humor or dramatization
- C. Reports must be complete
 - 1. Complete reports are essential because the smallest detail of a crime could be the essential factor in the ultimate determination of guilt
 - a. Must include supportive and unsupportive facts
 - (1) Could be damaging in trial if unsupportive information is brought out by cross examination
 - (2) Deliberate withholding could cause an innocent person to be falsely accused or a guilty person to escape punishment
 - b. Recording of data
 - c. Nothing left to the imagination
 - d. Tests for completeness
 - (1) Who
 - (2) What
 - (3) Where
 - (4) When
 - (5) Why
 - (6) How
 - (7) How many
- D. Concise
 - 1. Brevity – avoid wordiness
 - 2. Word choice and sentence length
 - 3. Repetition can eliminate one possibility for misunderstanding
 - 4. Do not include irrelevant information (e.g., how many fences he jumped before catching the burglar, route to the scene, how he felt after the chase, humorous remarks made while investigating the case)
- E. Clear
 - 1. Clarity is achieved by using appropriate vocabulary and good organization.
 - a. Proper language
 - b. Logical relationships between narrative elements – Chronological order **(LD18I1–2)**
Leave no room for doubt
 - 2. Write in plain English
 - a. Avoid jargon and profanity unless making a verbatim quote **(LD184/I3)**
 - 3. Reports should be mechanically and grammatically correct
 - a. Use of active voice **(LD18I4)**
 - b. Use of first person **(LD18I5)**
 - c. Proper use of grammar, punctuation, spelling, word choice, and syntax **(LD18H1–5)**
- F. Organized
 - 1. Thoughtful planning and effective note taking should precede the writing
- G. Legible
 - 1. Strike overs
 - 2. Penmanship
 - 3. Pen vs. pencil
- H. Timely
 - 1. Importance to follow-up investigation

IX. Organization and structure of Report Narratives (LD18D) 1 Hour

- A. Gather information during preliminary investigation
- B. Analyze the facts and information
 - 1. Criminal incidents
 - a. Establish corpus delicti
 - 2. Non–criminal incidents
 - a. Identify the circumstances
 - 3. Eliminate unnecessary information
- C. Organize the necessary information in either:
 - 1. Chronological order
 - a. An overall description of the event in sequence or
 - b. The officer’s observations and actions in order
 - 2. Categorical order – separating information by category and providing a label for each category (e.g., statements, investigation, evidence)
 - 3. Combination of chronological and categorical order
- D. Write the report
 - 1. Use of complete sentences: first person, active voice, past tense
- E. Proofread reports for accuracy and completeness and make necessary corrections

X. Note taking (LD18B) 3 Hours

- A. Characteristics of field notes
 - 1. Record brief notes while fresh in mind
 - 2. Will include:
 - a. persons involved in the event
 - b. dates and times of important occurrences
 - c. exact location of occurrences and persons involved
 - d. case numbers, location of evidence, actions of assisting officers, type of incident, etc.
 - e. statements made by involved parties, such as key phrases to exact quotations, etc.
 - 3. Notes should be restricted to important facts (use headings)
 - 4. Note taking requires the ability to alternate between listening and writing
- B. Use of notes
 - 1. Accurate notes eliminate the need to recontact involved parties
 - 2. Accurate notes provide a greater degree of accuracy regarding times, statements and events
- C. Evidence
 - 1. Notes used in court are subject to the scrutiny of the court. The officer should be aware of the following:
 - a. The court can develop impeachable inconsistencies between reports and notes.
 - b. If placed in evidence, notes may not be available until released by the court.
 - c. Non–police information should not be written in the notebook.
- D. Recording the Specifics
 - 1. Reporting party/victim/witness information–record complete name, home and business addresses, phone numbers and relationship to the suspect
 - 2. Suspect information–record complete name, ID information, aliases, identifying marks, scars or tattoos, relationship to the victim, and gang affiliation (refer to department policy)
 - 3. Injuries–describe all injuries in simplest terms possible (obtain photos and medical release waivers)
 - 4. Property/Physical Evidence descriptions – include brand name, model, serial number, dimensions, owner/possessor, unique markings/numbers, color and value (preserve evidence and take photos)
 - 5. Officer Narrative/Observations
 - a. report how you learned of the incident and the time you arrived

- b. note who was where and what you saw
 - c. check to see if the elements of the crime are present
 - d. chronologically describe you actions
 - e. describe, photograph, collect and book evidence – indicate when and where the evidence was found, by whom it was found and how it related to the incident
- E. Discussion
- 1. Departmental policy regarding retention and types of notes may vary
 - 2. Distinction between notes that are essential for accurate police reports and other notes
 - 3. Legal ramifications of Evidence Code Section 771 – concept of best recollection

XI. Requirements for report content

(LD18F) 3 Hours

- A. Who
- 1. Who was the victim?
 - 2. Who was the complainant?
 - 3. Who saw or heard anything of importance?
 - 4. Who has a motive for committing the crime?
 - 5. Who committed the crime?
 - 6. With whom was the victim last seen?
 - 7. who was the evidence turned over to, etc.?
- B. What
- 1. What was the crime that was committed?
 - 2. What are the elements of the crime?
 - 3. What actually happened?
 - 4. What do the witnesses know about it?
 - 5. What weapons were used?
 - 6. What evidence was obtained?
 - 7. What other agencies were notified, etc.?
- C. Where
- 1. Where was the crime committed ?
 - 2. Where was the crime discovered?
 - 3. Where was entry made?
 - 4. Where was the victim found?
 - 5. Where was the suspect seen during the crime?
 - 6. Where was the evidence found?
 - 7. Where was the evidence stored, etc.?
- D. When
- 1. When was the crime committed?
 - 2. When was it discovered?
 - 3. When were the authorities notified?
 - 4. When did officers arrive?
 - 5. When did witnesses hear anything?
 - 6. When was the suspect arrested, etc?
- E. How
- 1. How was the crime committed?
 - 2. How did the suspect get to the scene?
 - 3. How did the suspect leave the scene?
 - 4. How was the crime discovered?
 - 5. How was the crime reported?

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6. How much property or money was taken?
7. How much information is being withheld, etc?

F. Why

1. Why was the crime committed?
2. Why was a certain weapon/tool used?
3. Why was the crime reported?
4. Why was the crime reported late?
5. Why is the suspect lying?
6. Why did the suspect commit the crime when he/she did?
7. Why were the witnesses reluctant to give information, etc?

XII. Investigation

2 Hours

- A. The task of gathering and evaluating information from people.
- B. Physical evidence
- C. Crime scene protection

XIII. Pre-interview Preparations

3 Hours

- A. Have a clear cut objective in mind – be mentally prepared
- B. Establish elements of crime
- C. Show relationship between suspect and crime (or no relationship)
- D. Identify co-conspirators
- E. Identify evidence
- F. Prepare for possible defenses
- G. Interviewing tips
 1. Maintain close eye contact
 2. Don't allow the suspect to cross his arms or legs if possible
 3. Don't allow physical barriers between interviewer and interviewee
 4. If the suspect is uncooperative, move to within 15–20 inches. This creates unease and loss of thought process; move away when he becomes cooperative
 5. Control the interview
 6. Have patience
 - a. Some people have difficulty expressing themselves
 - b. Mentally deficient, developmentally disabled or mentally ill persons may not understand
 - c. Alcoholics or drunks can provide valid information
 - d. Eyewitness reports may be unreliable – proper interview techniques can control some of the inconsistencies found in statements
 - e. Children and/or handicapped persons can provide valid information
- H. Prior to obtaining a statement from victims, witnesses, etc., separate the parties to obtain individual, noncollaborated information.
- I. Interview considerations
 1. Physical, emotional, mental and educational factors
 2. Tact may be necessary – witness cannot be required to talk to police
 3. Probable reliability of witness
 4. Possible need to use the report of the interview as hearsay at a preliminary interview
 5. Officer should not indicate or assure the witness that they will not have to go to court
 6. Determine when and where to take note and/or use of recording devices
- J. Communication
 1. The process of giving and receiving information and includes talking, writing and gesturing
 2. Basic Communication Elements

- a. The sender
- b. The transmission
- c. The receiver
- d. The feedback
- 3. Listening Skills
 - a. Definition of listening
 - b. The importance of listening
 - c. Listening is more than merely hearing
 - d. Barriers to listening
 - e. Keys to listening
- 4. Reflective listening skills
 - a. Paraphrasing
 - b. Hear Feelings
 - c. Reflective meaning

XIV. The Three Phase Interview

(LD18B) 2 Hours

- A. First Phase – No notes! Determine:
 - 1. If, and what type of crime has been committed,
 - 2. what role the person you are talking to has in the incident (victim, witness, etc.),
 - 3. if there is a need for emergency medical assistance,
 - 4. if there is a safety risk at the time of contact (suspect on the scene, suspect just left, weapon involved).
- B. Second Phase – Take notes!
 - 1. Have the person being interviewed repeat the story from beginning to end. Control the speed of delivery and gather clarifying information as needed.
 - 2. Descriptions of property, suspects, etc. are obtained during this phase.
- C. Third Phase
 - 1. Tell the person what you plan to report
 - 2. Advise the person that if they have additional information, or need to correct information, to do so during this phase.

XV. Interpersonal Skills for Conducting an Interview

2 Hours

- A. Introduction
 - 1. Identify self
 - 2. Appearance and demeanor
 - 3. State purpose for contact
- B. Establish rapport
 - 1. Techniques
- C. Motivate the person
 - 1. Different approaches for interview vs. interrogation
 - 2. Techniques: public welfare, duty to others, faced with crisis and only one acceptable way out
- D. Fact finding
 - 1. Open-ended questions
 - 2. No rapid-fire questions
 - 3. Allow uninterrupted narrative, then ask clarifying questions

XVI. Anticipating defenses asserted by suspect

(LD18E) 1 Hour

- A. Probable Cause
 - 1. Stop-detention-arrest

2. Observations of suspicious activity
3. Locate witnesses
4. Protect crime scene
5. Crime scene investigation
- B. Miranda warning and waiver
 1. Describe in report
 2. Suspect's acknowledgment
 3. Suspect's statements, if any
 - a. Use great detail
 - b. Always be accurate
 - c. Don't insert inferences
 4. Show details of any defense the suspect may be offering
 5. Show evidence to support or refute intoxication from alcohol or drugs
 6. If multiple suspects, show relationship
 7. Show seating position in a vehicle

XVII. Considerations for specific reports

(LD18C)(LD18F) 2.5 Hours

A. Burglary Reports

1. In addition to general information, the report should include
 - a. Location
 - b. Entry
 - c. Actions
 - d. Exit
2. Report formats may differ by department

B. Robbery Reports

1. Determine elements so that the incident can be correctly classified (i.e. robbery vs. burglary)
2. In addition to general information, the report should include
 - a. What were the actions of the victim, suspect and witness prior, during and after the crime?
 - b. What were the exact words spoken by the suspect?
 - c. What type of force/fear was used to commit the robbery, including threatening words or actions, and the exact sequence of the actions?
 - d. How did the suspect come to and leave the scene?
 - e. What relationship, if any, is there between the victim and suspect?
 - f. If the victim is a business, was there a camera that recorded the crime?
 - g. What was the location of the witness at the time of the robbery (was the witness able to see what he is reporting)?

C. Homicide Reports

1. Handle every dead body call as a homicide until it is determined to be otherwise.
 - a. Was foul play involved in the death of the victim? If not, how do you know?
 - b. Was the death accidental? If so, how do you know?
 - c. If you are unable to conclusively answer the above, secure the scene and notify your supervisor and homicide detectives.
2. Homicide detectives will, at a minimum, require a verbal description of the scene.
 - a. Who discovered the death?
 - b. Who reported the death?
 - c. Are those people at the scene?
 - d. What is their relationship to the victim?
 - e. What did witnesses, family and friends tell you about the victim?
 - f. Is there any sign of forced entry into the premises?

- g. Does the evidence suggest that the victim was injured at another location?
 - h. Is there evidence of a struggle?
 - i. Where is the victim's body?
 - j. In what position is the victim's body?
 - k. Is there visible trauma to the body? (Do not move or tamper with the body.)
 - l. Is post mortem lividity evident?
 - m. Is rigor mortis evident?
 - n. If lividity and/or rigor are evident, are these consistent with all other evidence and information?
 - o. Was the victim moved after death? If so, why, when and by whom?
 - p. Has a weapon or other implement of death been located? If so, where was this item found in relation to the victim's body?
 - q. Has the condition of the weapon or implement of death been altered? If so, when, and by whom?
 - r. Does it appear that the victim could have used the item to commit suicide?
 - s. What collateral evidence exists (i.e., pooled blood, blood spatter)
 - t. Have additional notifications been made? (Coroner, Support services for family members, animal care)
- D. Assault Reports
- 1. How the assault was committed will determine whether it is a misdemeanor or felony.
 - 2. In addition to general information, the officer should note:
 - a. What were the action of the victim, suspect and witness prior, during and after the crime?
 - b. Did the victim sustain an injury?
 - c. What was the condition of the victim's clothing?
 - d. What were the exact words spoken by the suspect and those of the victim, if relevant?
 - e. How did the suspect come to and leave the scene?
 - f. What relationship, if any, is there between the victim and suspect?
 - g. What may have provoked the assault?
 - h. If the assault was committed with a deadly weapon, what type of weapon was used?
 - i. When did the victim/witness first see the weapon?
 - j. Where did the victim/witness last see the weapon?
 - k. What was the location of the witness at the time of the assault (was the witness able to see what he is reporting)?
- E. Hate Crimes
- 1. Note specific observations regarding characteristics of the person or facility linking the incident to a hate crime.
 - 2. Consideration should include but is not limited to:
 - a. Prior history of prejudice-based incidents.
 - b. Prior news coverage of events similar in nature
 - c. Does the crime indicate possible involvement by an organized group? (Literature, copy-cat, previously documented incidents?)
 - d. Manner and means of attack
 - e. Is the victim new to the area?
- F. Domestic Violence
- 1. Specific attention should be given to the following:
 - a. Origin of the incident
 - b. Injuries
 - c. Medical attention
 - d. Safe shelter
 - e. Documentation of the victim's relationship to the suspect

G. Possession of Controlled Substances

1. Specific consideration should be given to the following:
 - a. Knowledge – officer’s education/experience
 - b. Setting – how contacted – happen upon
 - c. Suspect’s actions – describe in detail
 - d. Defendant information – include demeanor and appearance
 - e. Quantity (Look for signs of consumption or statements indicating that he may be selling)
 - f. Money
 - g. Presumptive tests

H. Theft Reports

1. Determine elements to distinguish between grand theft, petty theft, robbery and burglary
2. In addition to general information. Include detail describing the following:
 - a. Classification of the crime
 - b. Actions of the victim, suspect and witness prior, during and after the crime
 - c. Exact words spoken by the suspect
 - d. Type of property taken and its value
 - e. How suspect came and left scene
 - f. Relationship, if any, to the victim
 - g. Location of the witness at the time of the theft

XVIII Completing the report

(LD18) 20 Hours

A. GROWE

1. Gather
2. Record
3. Organize
4. Write
5. Evaluate

B. Write crime reports

(LA18A;LA18B;LA18C)

1. Petty Theft (EX18B)
2. Vandalism (EX18B)
3. Robbery (EX18B)
4. Assault with Deadly Weapon (EX18A/B)
5. Domestic Violence (EX18A)
6. Hate Crime (EX18B)
7. Possession of Controlled Substance (EX18A)

C. Write law enforcement memorandum

1. Departmental differences in report formats

D. Write an incident report

E. Form completion

1. Types of forms
2. Departmental differences in report formats

F. Write arrest reports

(EX18A)

Applied Report Writing for Law Enforcement - Expanded Lesson Plan

Prepared by: Steve Segura, Sacramento Police Department, Sacramento, CA

Week #1, class 1

Introduction of the instructor, background and identification of the class. Brief introduction of students asking each to identify themselves, their interest in the class, expectation of the curriculum, and career goal.

Using an overhead projector, present the class syllabus describing the course content, expectations, necessary texts, and interactive learning design.

Conclusion, assign the first text assignment, Chapter 1 of *For The Record*.

Week #1, class 2

LD18A,F,H,I

Introduce the “Holistic” scoring process and discuss the procedure for ranking writing samples. Using overheads and the required text, *For The Record*, present and discuss with the class what they consider to be the definition of a report. Ask the students to identify the various types of reports and their use, and discuss the importance of well written reports relative to professionalism, records of fact, and courtroom testimony.

Week #1, class 3

LD18H,I

Have the students write a short (no more than one page) autobiography in first person, past tense, active voice. They usually begin with their graduation from high school. This exercise allows the instructor to assess the skill level of the class while also identifying those students who may not have completed either of the recommended prerequisites. This assignment (#1) is due at the end of the class.

Conclusion, second text assignment, Chapter 2 of *For The Record*, and Groups 1–3 of *Spelling For Law Enforcement*.

Week #2, class 4

LD18C,F,G,H,I

Return the one page autobiographies with any necessary comments. Using overheads and the required text, *For The Record*, discuss the well written report with emphasis on what a well written report is: factual, accurate, objective, complete, concise, clear, mechanically correct, written in standard English, legible, and on time.

Begin discussion regarding the five "W's" of the report: Who, What, When, Where, Why, and How and How many.

Conclusion, text assignment Chapter 3 of *For The Record*.

Week #2, class 5

LD18C,D,F,H

Complete discussion of the five “W’s” and using overheads, introduce the supplemental page (narrative) of the report forms. Discuss the use of the supplemental page during the course of the class. Distribute copies of the supplemental page, along with the Crime Report page 1, and the Additional Persons page 2.

Law Enforcement

Discuss the five basic steps in writing a report (GROWE): gather the facts, record the facts – take notes, organize the facts (start to finish), write the report (format), evaluate the report (edit, proofread, revise if necessary).

Week #2, class 6

LD18B

Discuss notetaking, demonstrate and discuss methods of notetaking and organization.

Conclusion, text assignment Chapter 4 of *For The Record* and Groups 4–6 of *Spelling For Law Enforcement*.

Week #3, class 7

LD18D,F,G,

Continued discussion of the 5 basic steps, introduction of the three phase interview, and introduction of the victim, witness, reporting person's statements, narrative supplement, written introduction.

Miscellaneous role play of victim/witness statements with the class conducting the three phase interviews.

Week #3, class 8

LD18B,C,H,I

Through role play and using the three phase interview, the class will obtain a victim's statement using good interview techniques and notetaking. The 1st graded assignment (#2) will be due at the beginning of class 9 in proper report format and written in first person, past tense, active voice.

Week #3, class 9

LD18B,C,H,I

Discuss and collect the written assignment. Demonstrate the various markings that may appear on the returned paper. Review chapter 4, first person, active voice, and role play a witness statement with the class conducting the interview and taking notes.

Group exercise: have the class divide into groups. Using their notes, have one person in each group write the statement that was obtained. Usually, the weakest writer in the group is selected to write the statement in order to help the individual understand what good notes contain and to assist him or her with format and writing.

Conclusion, assign groups 7–9 of *Spelling For Law Enforcement*, and assign each student to interview someone using the three phase interview process and notetaking (assignment #3). The subject is open, but is limited to no more than 1.5 pages. Examples of interviews can be job assignment, special interests, victims or witnesses of an already reported and concluded investigation. Due class 10.

Week #4, class 10

LD18D,F,G

Collect assignment #3. Using overheads, discuss the proper completion of crime report pages 1 and 2. Through role play and interviewing, have the students gather information for completion of pages 1 and 2 during class exercises.

Week #4, class 11

LA–A,C

Return and review assignment #2. Through role play and using the three phase interview and notetaking, the students will obtain information regarding a misdemeanor assault and battery, with minor injury to the victim, no suspect seen, and no witnesses.

Law Enforcement

Conclusion, assign chapter 5 of *For The Record*, groups 10–12 of *Spelling for Law Enforcement*, and completion of the misdemeanor battery report (assignment #4), to include page 1 and a victim's statement. Due class 12.

Week #4, class 12

LD18C,D,F,G

Collect assignment #4 and return and review assignment #3. Introduce property descriptions and report format for property taken (stolen) and property recovered (found/returned). Introduce "observations" and the report format for the "observations" introduction.

Week #5, class 13

LA–A,C

Through role play and using the three phase interview and notetaking, the students will obtain information regarding a misdemeanor petty theft (assignment #5). The report will consist of property taken, victim's statement, and observations. The writing of the assignment begins in class with instructor guidance.

Conclusion, completion of assigned report with a crime report page 1 and necessary supplemental narrative pages, due class 14.

Week #5, class 14

LD18B,C,F,G

Return and review assignment #4. Follow-up discussion of previously introduced report format and information. Discuss any problems or concerns regarding forms completion.

Using various scenarios, practice three phase interview and discuss techniques of interviewing, verbal and non-verbal cues.

Conclusion, assign Chapter 6 of *For The Record* and groups 13–15 of *Spelling for Law Enforcement*.

Week #5, class 15

LD18B,C,F

Introduce suspect descriptions, with reference to the additional persons page of the crime report. Through role play, the class will obtain descriptions of individuals using the instructed format (top to bottom/outside – in).

Week #6, class 16

LD18B,C,D,F,G,H,I – LA–A,C

Discuss progress, concerns, in the class workbooks. Through role play, the three phase interview and notetaking, the students will obtain information regarding a misdemeanor assault (assignment #6). The report will consist of a victim's statement, suspect description, and observations.

Conclusion, assign chapter 7 of *For The Record* and the written assignment, due class 17.

Week #6, class 17

Return and review assignment #5 and continue discussion of suspect descriptions, adding descriptions obtained by more than one person (e.g. victim and witness). Introduce the proper report format for multiple descriptions.

Law Enforcement

In class practical exercise regarding the placement of suspect descriptions in the victim's statement, witness statement, and additional person's page.

Conclusion, assign groups 16–18 of *Spelling For Law Enforcement*.

Week #6, class 18

LA–A,C

Clarify suspect information format. Through role play, three phase interview, and notetaking, the students will obtain information regarding a misdemeanor assault. The complete report will consist of one victim, one witness, one described suspect, observations, and a crime report face page, additional persons page, and narrative supplements. (Assignment #7)

Conclusion, assign groups 19–21 of *Spelling For Law Enforcement* and the assigned report. Due class 19.

Week #7, class 19

LA–A,C

Return and review assignment #6. Continue review of suspect(s) description information from more than one source. Discussion regarding the importance of witness/victim separation, and the proper format of individual descriptions in the statements and on the supplemental persons page.

Through role play, three phase interview, and notetaking, the students will obtain information regarding a felony assault (assignment #8). The complete report will consist of one victim, one witness, two suspects, and observations. The report will be completed using the proper report forms and format.

Assignment due class 20.

Week #7, class 20

LD18A,C,F,G,H

Review, clarify, and discuss new learning through class 19 (victim's statements, witness statements, property descriptions, and suspect descriptions). Class discussion regarding the students understanding and application of the ethics of report writing, court testimony, and inaccurate information.

Conclusion, assign chapter 8 of *For The Record* and groups 22–24 of *Spelling For Law Enforcement*.

Week #7, class 21

Introduce vehicle descriptions (top/bottom) and format for crimes against a vehicle (page 1), and suspect vehicles (page 2).

Given various vehicle scenarios, the class will obtain information regarding vehicle descriptions for each of the learned formats. Decisions will be made regarding the proper use of report forms and correct abbreviations and descriptive information.

Conclusion, assign chapter 9 of *For The Record*.

Week #8, class 22

LD18B,C,F

Return and review assignment #7 and clarify any questions regarding the use and comfort level of the three phase interview and notetaking.

Law Enforcement

Present one half of the class with a visual observation for about 90 seconds. Have them look at the area and do not allow them to take notes. Have the second half of the class view the same area for the same amount of time and have them take notes.

Continue with a discussion regarding interview and observations and after about 10–15 minutes, ask the group that did not take notes to describe what they had seen. Afterwards, ask the group that took notes to compare their observations with the first group. Notes vs No notes. Discuss the expectation of witnesses and victims to remember details under stress.

Week #8, class 23

LD18C,D,F

Return and review assignment #8. Introduce physical evidence. Discuss the importance of the crime scene, time of collection, location of collection, crime scene security, etc.

Conclusion, prepare for class 24 discussion regarding various types of physical evidence, their evidentiary value, and the various methods to record the location of evidence for future reference.

Week #8, class 24

Discuss various types of physical evidence and their evidentiary value. Introduce the collection of physical evidence using triangulation.

Through class demonstration, items will be placed in different locations in the classroom and the students will document the location using the triangulation method.

Conclusion, assign groups 25–27 of *Spelling for Law Enforcement*.

Week #9, class 25

Continued discussion of physical evidence. Introduce report format for physical evidence.

Through class demonstration and role playing, physical evidence will be presented.

Conclusion, in class writing assignment – document physical evidence as instructed, assign chapter 10 of *For The Record*.

Week #9, class 26 (mid-term)

Depending on the progress of the class, the midterm can be designed to include a question and answer test, or the students can be provided a statement written in third person past tense, and asked to transform the statement into 1st person, past tense, active voice. Other areas will also be tested during the 9th and 10th weeks. (Assignment #9)

Week #9, class 27

Through role play, the class will obtain a victim's statement using the three phase interview and notetaking and will document it in class using the proper format and form. (Assignment #10)

Conclusion, preparation for in class observations assignment class 28.

Law Enforcement

Week #10, class 28

Depict basic crime scene observations (physical evidence) to the class, using a picture scenario drawn on the chalk board. (Assignment #11)

Conclusion, in class writing assignment, assign groups 28–30 of *Spelling for Law Enforcement*.

Week #10, class 29

Review and discuss assignments 9, 10 and 11. Through role play, the class will obtain victim, witness, and suspect vehicle information necessary for proper form completion. (Assignment #12)

Conclusion, in class preparation of proper crime report pages.

Week #10, class 30

LD18D,E

Introduce format for Mirandized suspect statement. Class discussion regarding voluntary vs. involuntary statements, adult vs. juvenile offenders.

Conclusion, familiarization with the Miranda decision.

Week #11, class 31

LD18E

Review and discuss assignment #12. Given various scenarios, the class will determine whether the Miranda ruling applies or does not apply.

Discuss the two types of suspect statements: narrative / question answer.

Through role play, the students will practice obtaining a suspect statement using the narrative and question answer formats.

Week 11, class 32

Through role play, the students will obtain a suspect statement and document the statement in narrative and question answer formats, no longer than 1 page each.

Assignment #13, due class 33.

Week 11, class 33

LA–AC

Collect assignment #13 and introduce on sight crime reporting, proper format for completing officer observations, and a juvenile contact. Through role play, the class will be presented a scenario that indicates illegal activity taking place in their view. The students must determine what action to take, and proceed based on their decision. For example, the students should know that an inquiry must be made and through interview techniques, solidify an arrest, collection of evidence, legal Miranda warning and completion of the proper report. Assignment #14, due class 34.

Week 12, class 34

LA–A,C

Given a role play scenario, the students, using the three phase interview, suspect interview format, and notetaking, will compile information necessary to complete an assault with a deadly weapon report. The report will consist of: victim, witness, suspect (in custody – question/answer statement), physical evidence, and observations. (Assignment #15)

Conclusion, in class assistance during class 35, assignment due Class 35.

Week #12, class 35

Continued discussion of assignment #15 – in class assistance during preparation of complete report.

Conclusion, assignment #15 due class 36

Week #12, class 36

Collect assignment #15, return and review assignment #13. Given a role play scenario, using the three phase interview and notetaking, the students will discuss the information necessary to complete a domestic violence report. The students will also discuss arrests under the domestic violence legislation, including mandated reporting and delivery of information.

Week 13, class 37

LA–A,C

Continued discussion regarding domestic violence and the use of Miranda for obtaining statements.

Video exercise depicting domestic violence with incident follow-up discussion and assignment to complete the proper report. The report (assignment #16) will consist of a victim's statement, suspect statement, and observations. Due class 38.

Week #13, class 38

Collect assignment #16 and return and discuss assignment #14. Introduce and discuss the topic of bias-related crimes. Through class discussion and scenario descriptions, the students will develop an understanding of crimes that are the result of bias.

Conclusion, the students will identify and list a variety of bias motivated crimes in class, and discuss why those crimes meet the criteria.

Week #13, class 39

LA–A,C

Return and discuss assignment #15. Given a role play scenario, using the three phase interview and notetaking, the students will determine if the crime is bias motivated and obtain the necessary information to complete a crime report of the incident. (Assignment #17)

Assignment due class 40.

Law Enforcement

Week 14, class 40

LA-A,C

Collect assignment 17. Given a robbery scenario, the students will obtain the necessary information to complete a robbery report.

The report will provide information about a victim, witness, description of property taken, and named suspect.

Conclusion, the students will be instructed that follow-up information regarding their investigation will continue in class 41.

Week #14, class 41

Return and discuss assignment #16. Through role play, the students will receive additional information regarding their robbery investigation. Through class discussion, the additional facts will lead the students to the suspect and physical evidence.

The students will work on the construction of the complete investigation in class. The assignment (#18) will be due class 42.

Week #14, class 42

Collect assignment #18. Discuss new learning and opportunity for class to select crime report topic for assignment #19. Assign groups for preparation of role play scenarios.

Week #15, class 43

Groups complete the role play information for victim, witness, etc. and deliver the scenario.

Week #15, class 44

Review and discuss assignment #17, clarify concerns/confusion regarding bias related crimes.

In class preparation of assignment #19, final product due class 45.

Week #15, class 45

LD18A,F

Collect assignment #19. Introduce and discuss other forms of reports related to Law Enforcement, e.g. Probation Reports, Memorandums, Traffic Reports.

Introduce the format (summary/background/recommendations) and discuss topics for internal memorandums.

Conclusion, assign research of topic item to be selected by the student for documentation so that the topic and memorandum can be worked on during class 46.

Week #16, class 46

Return and discuss assignment #18. Review and approve memorandum topics and in class assistance during preparation of memorandum. Final product due class 47.

Week #16, class 47

LA-A,C

In class completion of internal memorandum.

Week #16, class 48

Presentation of memorandum topics by students, discussing the summary and recommendations.

Week #17, class 49

Presentation of memorandum topics by students, discussing the summary and recommendations.

Week #17, class 50

Return and discuss assignment #19. Overview and review of course content.

Week 17, class 51

Begin preparation of final report topic selection (crime/ # of victim's/ # of suspects, etc.).

Begin preparation of 1st phase of final report – (report forms)

Week 18, class 52

LA-A-C

Week #18, class 53 Final report completion

Week #18, class 54

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Multicultural Issues Within Public Safety

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Purpose Of The Course

The purpose of this course is to present students with a perspective of major cultural groups in California that transcends the views commonly found in society. The course begins by addressing theoretical issues such as culture, ethnicity, race, prejudice, and ethnocentrism, and uses those concepts with others to compare the many groups that comprise California's population. In order to cover the multitude of groups that public safety professionals need to understand, this is a comprehensive overview of racial, ethnic, and cultural groups, including gays and lesbians, teenagers, senior citizens, men, and women as they constitute cultures unto themselves. In addition, victimology will be addressed, particularly as it affects people on the basis of their cultural identity. Diverse groups do not exist in isolation, so they will be studied in an integrative and comparative manner, that is, in the larger context of California society.

Students will explore the way people think about themselves and how that influences social behavior. They will also consider the issue of communication and the effect that California's myriad of languages and dialects has on the work of public safety professionals. Emphasis will be placed on helping them shift established paradigms that reject difference so that they can expand their world views to understand it. Readings will be both about these groups and from them so that students will be exposed to objective and subjective viewpoints. By meeting these requirements, this course should meet the American Cultures criteria established by UC Berkeley, and most if not all multicultural graduation requirements in California's higher education system. This course also meets and exceeds the specifications for P.O.S.T. Learning Domain #04 (6 hours of instruction) and P.O.S.T. Learning Domain #42, Cultural Diversity/ Discrimination (24 hours of instruction).

Course Objectives And Activities

- 1) teach students about the changing demographics of California and the implications of those changes for the public safety professions;
- 2) communicate the evolution of human rights, the nature and origins of prejudice, the nature and origins of discrimination, and how understanding these issues can contribute to more effective cultural contacts;
- 3) familiarize students with the laws and institutional procedures in California that apply to different cultural groups;
- 4) help students develop a comparative understanding of stereotyping, including gender stereotyping, and its consequences;
- 5) expose students to the values, beliefs, and behaviors of people from a wide variety of cultures found in California;
- 6) expose students to the variations in experience common to groups distinguished by age, sex, and sexual preference;
- 7) expose students to state and federal laws and institutional procedures that apply to discrimination based on race, ethnicity, age, sex, and sexual preference;
- 8) help students understand how changed gender roles have altered public safety departments and the communities they serve;
- 9) expose students to the effects of different languages and dialects on communication in stressful situations;
- 10) integrate experiential exercises that will help students understand people from different cultures and contribute to the resolution of any personal prejudices that might affect their ability to effectively work with diverse populations;
- 11) help students understand what constitutes a hate crime and what comprises an effective public safety response to it;

- 12) help students develop an understanding of how current events affect the perspective of cultural groups toward authority figures and toward other cultural groups;
- 13) help students examine how people are victimized as a result of their cultural identity and explore the consequences of that;
- 14) help students understand the cultural tension between the sexes and what constitutes sexual harassment;
- 15) help students examine the reasons for prejudice, discrimination, and stereotypical thinking;
- 16) reduce all forms of prejudice, stereotyping, intentional discrimination, and unintentional discrimination by public safety personnel;
- 17) promote the development of large group and interpersonal communication skills along with other strategies to promote effective interaction with different cultural groups;
- 18) promote an understanding of different cultural perspectives, and teach students the benefits of valuing diversity, both within a public safety organization and within the communities they serve.

Catalogue Course Description

A theoretical and conceptual overview of multicultural concepts and issues, including those relating to gender, age, and sexual preference; an application of those concepts and issues to the four public safety disciplines (Corrections, Environmental Technology/Hazardous Materials, Fire Technology, Law Enforcement); identification of problems related to our increasingly diverse population; examination of strategies to overcome those problems, particularly in relation to the maintenance of social order.

Instructional Strategies

Incorporate Western vs. non-Western perspectives
Integrate accomplishments of non-dominant group members
Culturally varied reading assignments
Collaborative problem solving in small groups
Small group discussions leading into full group discussions
Experiential activities
Guest speakers
Field trips
Ride-alongs
Intercultural internships
Culturally focused research assignments
Cooperative learning groups with members from different cultures
Teaching techniques that address a variety of learning styles (e.g. collaborative study groups as well as lectures)
Role-playing
Cultural simulation games
Self-assessment tests to clarify perceptions and attitudes
Trigger films and focused discussions
Participant observation research
Face-to-face survey research
Communication skills exercises
Culturally-specific communication assignments
Non-verbal communication exercises
Exercises that examine the differences in male and female speech patterns
Videotaping of role-playing and communication exercises to help students recognize and develop effective communication patterns
P.O.S.T. learning activities

Note To Instructors:

Although this course is designed to provide students with an overview of multiculturalism throughout California, faculty are encouraged to emphasize those cultural groups that are dominant within the region in which the class is taught. Attention should also be focused on the issues that affect women who work in career fields that have historically been the domain of men, since a positive approach to integrating women into the public safety workforce is essential for the cohesiveness and effectiveness of the departments. The Specific Topics list has been included in order to promote consistency in what is taught throughout the state. The specific sections required to meet P.O.S.T. guidelines are noted throughout so that student attendance can be verified for P.O.S.T. tracking purposes. Learning Domain 04 (Victimology/Crisis Intervention) is a six-hour component that is completed within a two-week period. Learning Domain 42 (Cultural Diversity/Discrimination) is a 24 hour component that is distributed throughout the course without specific hourly requirements for each of its elements. The proposed curriculum presents fourteen instructional components that allow opportunities for testing, field trips, and other activities that will be conducted differently at each college.

Course Outline**Instructional Components****I. Introduction****A. Multiculturalism**

1. Terminology associated with diversity, ethnicity, human relations, race, gender, age, and sexual preference
(L.D. 42B)
2. Definitions of prejudice and discrimination and the difference between the two **(L.D. 42F)**
3. The past and present relationship between diverse population groups and public safety agencies and personnel
4. Examination of personal attitudes

II. Human Rights In America

- A. Historical overview (diversity, ethnicity, human relations, race, gender, age, and sexual preference)
(L.D. 42E)
- B. Reasons for opposition to equality
- C. The maintenance of social order vs. the abuse of power
- D. Current issues of concern
- E. How attitudes and values are created and recreated
 1. Personal forces
 - a. Primary socialization
 - b. Personal experience
 - c. Resocialization
 2. Public forces:
 - a. Laws that define a cultural group **(L.D. 42A)**
 - b. Court decisions
 - c. Media influence

III. Threats To Human Rights

- A. Prejudice
 1. Origins
 2. Strategies to reverse it

- B. Discrimination
 - 1. Types
 - 2. Responses
- C. Racism, sexism, ageism, etc.
 - 1. Reasons they exist
 - 2. Consequences
 - a. Stereotypes
 - b. Hate crimes
 - c. Domestic violence
- D. Institutional discrimination
 - 1. Codified
 - 2. Socially embedded
- E. Authority figures
 - 1. Common misperceptions of them
 - 2. Common misperceptions by them

IV. The Cultures Of California - I

- A. Understanding culture and its role in human interaction
 - 1. The role of norms
 - 2. The role of values
- B. California's culture (**L.D. 42C**)
 - 1. Past
 - 2. Present
 - 3. Future
- C. Social and demographic trends that help project the future of relationships between diverse populations
 - 1. Population and political shifts
 - 2. Economic shifts

V. The Cultures Of California -II

- A. New populations
 - 1. Immigrants
 - 2. Refugees
 - 3. Undocumented persons
 - 4. Coping strategies of recently arrived residents
- B. The effects of different languages and dialects on communication
 - 1. Ways in which different cultures interpret common American practices
 - 2. Strategies to communicate with the non-English speaking public
 - 3. Ways in which men's and women's communication styles differ
 - 4. Techniques to facilitate effective communication with people of different ages

VI. The Cultures Of California - III

- A. "Cultures" that are neither racially nor ethnically based:
 - 1. Teenagers
 - a. Norms and values
 - b. Indicators of group membership
 - (1) Clothing
 - (2) Hand signals
 - (3) Slang
 - c. Public safety needs

- (1) As victims
 - (2) As perpetrators
- 2. Senior Citizens
 - a. Public safety needs
 - (1) Communications - with consideration for those with diminished physical or cognitive capacities
- 3. Gays and lesbians
 - a. Public safety needs
- 4. Men and women
 - a. Public safety needs of each

VII. Sexual Harassment: Its Cause And Effect (L.D. 42)

- A. Definition and historical perspectives associated with it
- B. State and federal laws and concepts that define it (**L.D. 42L**)
 - 1. Title VII
 - 2. Government Code Section 12940 et. seq.
 - 3. Concept of Quid Pro Quo
 - 4. Concept of hostile work environment
 - 5. Current case law
- C. Range of harassing behaviors (**L.D. 42N**)
 - 1. Verbal
 - 2. Physical
 - 3. Visual
 - 4. Written material
 - 5. Sexual favors
 - 6. Threats
 - 7. Force
 - 8. Power
- D. Causes of Sexual Harassment (**L.D. 42M**)
 - 1. Gender Issues
 - 2. Power Issues
- E. Responses to sexually offensive or unwanted behavior in the workplace
 - 1. How to initiate a sexual harassment complaint
 - 2. How to respond to a sexual harassment complaint (**L.D. 42O**)
 - 3. State-mandated sexual harassment complaint process guidelines (**L.D. 42P**)
 - 4. Legal remedies and protection from retaliation against complainant (**L.D. 42Q**)
 - 5. How to avoid being a harasser

VIII. The Cultures Of California - IV

- A. Cultural variations in response to authority figures
- B. The effect of California's increasing diversity on public safety
 - 1. Increased crime by non-dominant groups
 - 2. Increased victimization of non-dominant groups
 - 3. Increased need for social, medical and emergency services provided by public safety personnel
 - 4. Need to distinguish between dangerous or illegal behaviors and unfamiliar cultural behaviors that are legal
- C. The benefits of a diversely populated society (based on race, ethnicity, gender, age, and sexual preference)
 - 1. Social
 - 2. Economic

3. Political
 4. Professional (**L.D. 42D**)
 5. Organizational (**L.D. 42D**)
 6. Personal (**L.D. 42D**)
- D. The value of attracting members of non-dominant groups to public safety careers

IX. Perceptions As They Are Affected By Culture

- A. Role of cultural identity based on race, ethnicity, gender, age, and sexual preference
- B. Examples of recent local, regional, national, and international events impacting the attitudes of cultural groups towards public safety and towards other cultural groups (**L.D. 42G**)
- C. Role of popular culture in affecting perception
- D. Verbal and non-verbal factors
 1. Those that contribute to negative responses to the public by authority figures
 2. Those that contribute to negative public responses to authority figures (**L.D. 42J**)
- E. Cultural stereotyping
 1. Definition and examples
 - a. Social stereotypes and their consequences
 - b. Authority figure stereotypes and their consequences
 - (1) Difference between stereotyping and profiling and how profiling enables public safety professionals to work more efficiently (**L.D. 42H**)

X. Racial And Ethnic Relations

- A. Social conflict between “old” and “new” groups with minority status
 1. National and state examples
 2. Regional examples
- B. The battle for limited resources
 1. Examples specific to each region
- C. Proposed and tested solutions to racial and ethnic tensions

XI. Hate Crimes (L.D. 42)

- A. Laws that define them (**L.D. 42R**)
- B. Indicators that a crime is hate-motivated (**L.D. 42S**)
- C. Victims of hate crimes (**L.D. 42T**)
 1. Legal rights
 2. Available remedies
- D. Impact of hate crimes (**L.D. 42U**)
 1. On victims
 2. On victims’ families
 3. On the community
- E. Elements that comprise an effective public safety response (**L.D. 42V**)

XII. Victimology/Crisis Intervention (P.O.S.T. Learning Domain #04-6 hours)

- A. Introduction (**L.D. 4A**)
 1. Purpose of class
 2. Concept of crisis
 3. Definitions
 - a. Crisis
 - b. Stress
 - c. Victim

- (1) Individual or community.
- (2) Direct or indirect

B. Situations causing crisis (L.D. 4G)

1. Many law enforcement contact situations are critical incidents which generally result in crisis. A critical incident is any situation which is a threat to the life or physical integrity of
 - a. oneself
 - b. a loved one, or
 - c. a person for whom you are responsible (i.e., employer/employee, training officer/trainee)
2. Examples of a critical incident
3. Other law enforcement contacts can be perceived as critical incidents or can generate a crisis. Examples are:
 - a. Burglary
 - b. Vandalism
 - c. Arson
 - d. Theft
 - e. Missing person

C. Other factors that can contribute to a crisis reaction (L.D. 4G)

1. Victim factors
2. Officer factors

D. Victim responses (L.D. 4C)

1. Because the officer must act immediately in given situations, usually in an environment of limited information, the systematic observation and evaluation of a series of clues and victim responses are important to determine the proper action.
2. There are a variety of responses, some or all of which are experienced by most victims.
 - a. Feelings
 - b. Thoughts
 - c. Physical responses: Knowledge of physical responses will assist the officer in recognizing serious emotional distress when the individual does not acknowledge that they are in crisis. **(L.D. 4D)**
 - d. Incongruent and extreme responses
3. Community/group reaction: Some situations will impact more than the individuals directly involved and may impact a specific group or the community at large. Groups may be defined by occupation, gender, ethnicity, culture, age, national origin, residence/neighborhood, religion, sexual orientation, etc. **(L.D. 4H)**

E. Critical incident and crisis-defusing techniques (L.D. 4E)

F. Obstacles to effective interaction with victims

G. Crisis information for the law enforcement officer's family

H. Information officers should convey to crime victims (rights of victims) (legal vs. humanistic) (L.D. 4F)

1. Victim compensation
2. Local victim/witness services
3. Access to police reports
4. Case follow-up procedures and responsibilities

I. Persons who qualify for victim assistance (Government Code Section 13960) (L.D. 4B)

1. Anyone who is injured or dies as a direct result of a crime committed in California
2. A resident of California who is injured or dies as a direct result of a crime while temporarily outside the state
3. Anyone legally dependent for support upon a person who is injured or dies as a direct result of a crime committed in California, or is a resident of California and is injured or dies as a direct result of a crime while temporarily outside the state

4. A family member or any person in close relationship with a crime victim if that person was present when the crime was committed and the victim was injured or died as a direct result of the crime, and the crime was committed in California or the victim was a resident of California and the crime occurred while the victim was temporarily outside the state
5. A family member or any person in close relationship with a crime victim whose presence is required for the successful treatment of the victim if the victim was injured as a direct result of the crime, and the crime was committed in California or the victim was a resident of California and the crime occurred while the victim was temporarily outside the state
6. Any individual who legally assumes the obligation or voluntarily pays the medical or burial expenses incurred as a direct result of a crime if the crime was committed in California or the victim was a resident of California and the crime occurred while the victim was temporarily outside the state
7. Family members of the victim who incur emotional injury as a result of the crime
- J. Information which must be provided **L.D. 4F)**
 1. Government Code Section 13968 - Specifies what information must be provided to a crime victim

XIII. MAKING DIVERSITY BASED ON RACE, ETHNICITY, SEX OR SEXUAL PREFERENCE WORK

- A. Societally
- B. Professionally
- C. Economically
- D. Personally
- E. Principles of professional community contacts (**L.D. 42I**)
- F. Strategies for effective cultural contacts (**L.D. 42K**)
 1. Treat all individuals and groups with dignity and respect
 2. Effective communication techniques for public contacts
 3. Avoid verbal communication factors that contribute to a negative response from the public
 4. Avoid nonverbal communication factors that contribute to a negative response from the public
 5. Effective contacts with cultural groups
 - c. Understand how public safety and individual public safety professionals are perceived by the cultural group
 - (1) Repressive or brutal
 - (2) Corrupt or unprofessional
 - (3) Responsive and protective
 - d. Recognize any personal preconceptions that exist regarding a cultural contact or a particular cultural group.
 6. Understand that cultural groups will differ in their opinion as to the “legality” of specific acts and behaviors or the authority of public safety professionals to intervene. Authorities must be sensitive to the fact that they are following their own cultural norms rather than deliberately violating the norms of this society. However, they must also be taught that those practices cannot continue.
 7. Avoid stereotyping
 8. Capitalize on the availability of language lines and translator services
 9. Capitalize on opportunities to interrelate with cultural groups in a non-public safety capacity by:
 - a. Spending time in the community getting to know the people
 - b. Establishing cultural **building blocks** between the officer and the cultural group
 10. Fluency in the language of a given cultural group is an obvious advantage in prompting a successful contact,
 11. Participation in training opportunities (e.g., instruction regarding group history, customs, religious conventions, core values, and perceptions of law enforcement) will all prove beneficial.

XIV. Considering The Future

- A. Increasing social and economic bifurcation of society
 - 1. Effects on individuals
 - 2. Responses of individuals
- B. Politicization of underrepresented groups based on race, ethnicity, gender, age, and sexual preference
 - 1. Effects on public safety
- C. The “New Majority”
 - 1. Effects on public safety agencies and personnel

Specific Topics

Culture
Diversity
Acculturation
Primary socialization
Resocialization
Marginality
California’s demographic shifts
Core values
World views
Paradigms
Racism in popular culture
Perceptions vs. reality
Minority groups
Historically under-represented groups
Gender
Affirmative Action
Life chances
Ethnicity
Race
Ethnocentrism
Prejudice
Discrimination
Sexism, racism, agism, etc.
Institutional discrimination
Homogeneity vs. heterogeneity
Labeling and the self-fulfilling prophecy
Generalizations
Scapegoating, including “working moms” as the scapegoat for current social ills
Myth of a “color blind” society (how it stifles the inherent value in diversity)
Stereotypes
Law enforcement profiling
Fear of the unknown
Social and economic bifurcation
Ethnophobia
Homophobia
Refugees vs. immigrants vs. undocumented persons
Sexual orientation vs. sexual behavior
Social construction of reality
Language and its role in understanding social life

Law Enforcement

Non-verbal communication (including the unique gestures of each culture)
Differences in male and female speech patterns and body language
Semantics and authority figures
Cultural significance of common American practices, i.e. unexpected interpretations of behavior Americans assume will mean the same thing to others that it does to us (e.g. patting a child's head is considered to be an expression of affection by many Americans, but the Vietnamese view it as sacriligious and intrusive)
Expectations of authority figures based on experiences in other countries
Religion as a behavioral determinant
Cultural factors that affect how the law is interpreted
Sexism in popular culture
Domestic violence (child, spousal, and elder abuse)
Sexual exploitation
Use and misuse of power
Harassment (racial and sexual harassment that humiliates, dominates, isolates, and excludes the target of the harassment)
Psychodynamics of stress and victimization
Provisions of California law relating to victim assistance
Psychological impact of crime
Reactions experienced by persons in crisis
Techniques for defusing crisis situations
Information crime victims need to obtain law enforcement reports and follow-up on the progress of their cases
Crisis situations likely to elicit a strong psychological response
Crisis situations likely to elicit a strong community response

Target Groups

Webster's New Collegiate Dictionary defines culture as "the customary beliefs, social forms, and material traits of a racial, religious, or social group." Since religious and social groups distinguish themselves from one another just as racial and ethnic groups do, a multicultural understanding of society must go beyond race and ethnicity. For that reason, teenagers, senior citizens, gays and lesbians, and men and women will be included as target groups. Group affiliation can never define individuals, particularly when focusing on affiliations related to such matters as age and gender, but group members do share many of the same experiences, and public safety personnel need to understand how that affects their behavior and attitudes.

African Americans
Asian Americans
Eastern Europeans
Filipinos
Indians/Pakistanis
Korean Americans
Latinas/Latinos
Middle Easterners
Native Americans
Southeast Asians
Non-English speakers
Teenagers
Senior citizens
Gays and Lesbians
Men
Women

P.O.S.T. Learning Activities

Instructional Component 1:

- 1) **Learning Activity 42A:** Given a diagnostic instrument, questionnaire, personal inventory, or equivalent method, students will be accorded the opportunity to conduct a self-assessment to determine their own level of cultural sensitivity and experience interrelating with diverse cultural groups.
 - a) The learning activity should provide the student with an opportunity to determine their current level of experience in dealing with cultural groups.
 - b) The learning activity should also serve as a starting point for an instructor-facilitated classroom discussion and/or small group discussions which address perceptions, experiences, fears, and stereotypes concerning contact with cultural groups. Discussion may include, but is not limited to cultural stereotypes, ethnophobia, homophobia, xenophobia (fear or hatred of foreigners), gender bias, and media impact on cultural perceptions.

Instructional Components 1-14 (location within this course is at discretion of instructor):

- 2) **(Learning Activity 42B):** Given a minimum of three P.O.S.T.-developed video re-enactments depicting law enforcement contacts with cultural groups, or an equivalent number of simulations, scenarios, or video representations, the student must participate in an instructor-led discussion evaluating the appropriateness and professional quality of the contact. Among the issues which should be addressed are:
 - a) any positive or negative behaviors demonstrated by contacting officers
 - b) the apparent perception of the cultural group regarding the contact
 - c) presence or absence of cultural stereotyping
 - d) the level of cultural understanding demonstrated by the officers
 - e) the legality of the contact and the subsequent actions of the contacting officers
 - f) the professional, personal, and organizational impact of the contact, either positive or negative
 - g) cultural group history, customs, religious conventions, core values, or other perceptions material to the contact

Presentation of the video re-enactments, simulations, or scenarios may be done collectively or may be interspersed throughout the instructional block at the discretion of the instructor.

Instructional Component 7:

- 3) **Learning Activity 42C:** Given a minimum of four P.O.S.T.-developed video re-enactments depicting possible sexual harassment, or an equivalent number of simulations, scenarios, or video representations, the student must participate in a facilitated discussion which addresses the following:
 - a) any behaviors which are illegal, as defined by federal or state sexual harassment laws
 - b) professional, personal, and organizational impacts of the incident
 - c) legal and administrative consequences of the behaviors observed
 - d) whether or not state sexual harassment reporting guidelines apply to the situation

Instructional Component 11:

Learning Activity 42D:

- 4) Given a minimum of two POST-developed video re-enactments or written descriptions of possible hate crimes, or an equivalent material provided by the academy, the student must participate in a facilitated discussion which addresses the following:
 - a) whether or not the incident constituted a hate crime under the law
 - b) impact of the incident on victims, victim's families and the community
 - c) effectiveness of the law enforcement response
 - d) legal rights of, and remedies available to the victim(s)

Instructional Component 12:

- 5) **Learning Activity 4A:** Participation in a facilitated discussion regarding law enforcement contact with a person in crisis
- 6) **Learning Activity 4B:** Participation in a facilitated discussion regarding law enforcement contact with a crime victim

Resources

Community Contacts for Speakers (can speak individually or on panels):

Churches with large minority congregations
Community-based organizations serving the target groups
College faculty
Students (can often be contacted through student organizations that serve particular groups)
Public agencies
Community speakers bureaus

Campus Contacts:

Faculty in Ethnic Studies Programs
Faculty in Women's Studies programs
Faculty in Multicultural Centers
Faculty in Women's or Re-Entry Centers
Faculty in other departments (e.g. Public Safety, Psychology, and Sociology)
Counselors

Films and Videotapes:

Some of these materials can be shown in their entirety, but others will require selecting segments that can be used as trigger films to stimulate discussion. Brief descriptions of content are included only for those audio-visual materials that do not have descriptive titles. In addition to the titles listed, P.O.S.T. has developed several cultural contact videos featuring law enforcement scenarios.

General Diversity Issues:

Cultural Awareness Telecourse - Commission on Peace Officers Standards and Training - 2 hours - 1992

Dealing With Diversity Telecourse - 24 one-hour videotapes that comprehensively present issues related to diversity - taught as a sociology telecourse about multiculturalism - The Board of Governors Universities - Governors State University, University Park, IL 60466

Is There a World Between Us? - multicultural citizen reactions to the San Diego Police Department - designed to stimulate classroom discussion - San Diego Police Department - 38 minutes - 1987

World of Gestures: Culture and Nonverbal Communication - University of California Extension Media Center, 2186 Shattuck Avenue, Berkeley, CA 94704 (510-642-0460) - 25 minutes

Working in the United States - designed to give foreign students working in the U.S. practice in dealing with linguistics and cultural differences - it also helps American students understand the difficulties encountered by people new to this country - 3 one-hour tapes - Prentice-Hall

Racism on Campus - considers racial incidents in their historical and contemporary context, gives some case studies, and presents positive approaches for a solution - videotaped by CSUS on March 22, 1988 - Governors State University - 1988

Law Enforcement

Achieving Diversity - examines ways to remove barriers to diversity on college campuses - examines myths and misconceptions about diversity and affirmative action - Aeromedia - 34 minutes - 1990

Minorities in the College Classroom - vignettes show interactions between faculty and students - designed to create a more positive learning environment for all students - Michigan State University - 26 minutes - 1990

Beyond Hate - chronicles the impact of hate through experiences of world figures, gang leaders and young people coping with violence in their lives - Public Affairs TV/PBS (Bill Moyers program) - 90 minutes - 1991

Of Pure Blood - the only filmed testimonial to one of the most bizarre and elitist aspects of the Nazis - MPI Home Video - 100 minutes - 1985

Armenians:

Cultural Awareness: Armenian Culture - Los Angeles Police Department - 9 minutes - 1985

African Americans:

Cultural Awareness: Black Culture - Los Angeles Police Department - 10 minutes - 1984

Eyes on the Prize - focuses on people, events and issues during the Civil Rights Movement - combines archival footage with recent interviews - 6 one-hour programs, each covering a different period of time between 1945 and 1965 - Blackside, Inc. - 1987

Eyes on the Prize, Part II - a continuation of the original program but with 8 one-hour programs covering the time period between 1964 and the mid- 1980s - Blackside, Inc./PBS - 1990

The Bloods of 'Nam - examines the lives of black soldiers who fought in Viet Nam, then fought discrimination in the Army and disillusionment when they returned home - PBS Video (Frontline) - 60 minutes - 1987

Roots of Resistance: Story of the Underground Railroad - story of black Americans' secret railroad to freedom with narratives of escaped slaves - includes interviews with descendants of slaves and slave holders - PBS Video (American Experience Series) - 58 minutes - 1990

Ida B. Wells - A Passion for Justice - follows the life of Ida B. Wells as she became a leading national figure fighting racism and sexism - William Greaves/PBS - 60 minutes - 1989

Hardy Frye: Urban African-American Crisis - sociologist Hardy Frye speaks about a community-based way to revitalize public schools - Sacramento City College Media Services - 110 minutes - 1992

Ethnic Notions - presents a disturbing voyage through American history tracing the deeply rooted stereotypes which have fueled anti-black prejudices - winner of the 1988 Peabody Award - Marlon Riggs - 56 minutes - 1987

True Colors - follows two young men, one black and one white, through similar experiences to demonstrate how much discrimination still exists - ABC News - 30 minutes - 1991

Asians (identified by specific culture):

Forgotten Sons - focuses on Asian American Vietnam war veterans and their special needs in today's society - Sacramento TV, KCRA - 30 minutes - 1988

The New Yellow Peril - shows the anti-Asian sentiments existing in Detroit, Michigan and Davis, California - filmed in January 1984 - 22 minutes

Law Enforcement

The Final Outrage - the conclusion of the incident in Detroit in which Vincent C. Chin (a young Chinese man from Sacramento) was beaten to death by enraged white auto workers who assumed he was Japanese and, in their minds, responsible for the economic troubles of the auto industry - 10 minutes - 1987

Cry Justice - focuses on the redress issue regarding Japanese American internment during WWII - Sacramento TV, KCRA - 30 minutes - 1988

Cultural Awareness: Japanese Culture - Los Angeles Police Department - 11 minutes - 1983

A Family Gathering - a study of the consequences of U.S. internment camps for Japanese citizens in WWII - Lisa Yasui/PBS - 60 minutes - 1989

Indochinese Culture - San Diego Police Department - 56 minutes - 1983

Indochinese Culture Guide - San Diego Police Department - 7 minutes - 1983

With Respect - focuses on the Vietnamese population - Anaheim Police Department - 19 minutes - 1990

Cultural Awareness: Chinese Culture - Los Angeles Police Department - 11 minutes - 1985

Cultural Awareness: Korean Culture - Los Angeles Police Department - 12 minutes - 1983

Sa-I-Gu - Explores ethnic relations and the role of the media in the wake of the Rodney King verdict. The story is told from the perspective of Korean-American women shopkeepers. - National Asia American Telecommunications (NAATA), 346 Ninth Street, 2nd Floor, San Francisco, CA 94103 - 37 minutes - Also available through the SERVE Library Connection Leadership Project, 1314 H Street, Suite 201, Sacramento, CA 95814. (916) 556-1680.

East Indians:

Cultural Awareness: East Indian Culture - Los Angeles Police Department - 10 minutes - 1986

Eastern Europeans:

Common Understanding: Soviet Refugees in Sacramento - profiles resettlement of former Soviet peoples in Sacramento - workshop from an interactive classroom - Los Rios Community College District/Cosumnes River College Media Center - 3 hours - 1992

Jews:

Cultural Awareness: Jewish Culture - Los Angeles Police Department - 16 minutes - 1980

Latinas/Latinos:

Cultural Awareness: Hispanic Culture - Los Angeles Police Department - 10 minutes - 1973

El Norte - a commercial film depicting the forces in war-torn Guatemala that induce its people to flee to the U.S. - helps students understand the plight of refugees - 141 minutes - 1983

Ballad of Gregorio Cortez - true story of a Mexican rancher who kills an Anglo sheriff in self-defense - illuminates the issues of racism, social injustice and language barriers - Moctezuma Esparza - 105 minutes - 1983

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Moslems:

Cultural Awareness: Moslem Culture - Los Angeles Police Department - 5 minutes - 1986

Native Americans:

Seasons of a Navajo - presents the traditional lifestyles of the Navajo family - PBS/KAET - 60 minutes - 1985

More Than Bows and Arrows - documents the contributions of Native Americans to the development of the U.S. (Camera One) - 56 minutes - 1978

The Spirit of Crazy Horse - a comprehensive look at the story of Native American people through the history of the Sioux tribe - Dubois & McKiernan/PBS - 60 minutes - 1990

The Winds of Change Series - 2 one-hour programs - WHA TV/PBS, 1) *A Matter of Promises* - Native American tribes describe their struggles to maintain their cultural identity and political sovereignty, 2) *A Matter of Choice* - The Hopi Nation works to find a place in the modern world - 1990

In the White Man's Image - an overview of policies, methods, and long-term consequences of attempts to "civilize" Native Americans in the 1870s - Lesiak and Jones/PBS - 60 minutes - 1991

Hate Crimes:

Hate Crimes Telecourse - Commission on Peace Officers Standards and Training - 2 hours - 1992

Hate Crimes - Los Angeles Police Department - 1988

Hate Crimes/Ralph Act - San Francisco Police Department - 5 minutes - 1988

White Supremists:

Skinheads - Santa Ana Police Department - 13 minutes - 1987

Teenagers:

Luther's Choice - true story of an inner-city gang leader who turned his life around and now dedicates himself to keeping kids out of trouble - Films for the Humanities - 56 minutes - 1989

Street Shadows - realistic portrait of teenage runaways in America as told in their own words - Films for the Humanities - 30 minutes - 1986

Streetwise - examines the daily lives of Seattle street kids - Angelika Films - 92 minutes - 1984

Homeboys - young gang members describe the violence, gang justice and amoral behavior they encounter daily - Coronet/MTI - 27 minutes - 1990

Kids and Guns - examines the relationship between young people and guns and how to stop the rise in youth violence - Films for the Humanities - 28 minutes - 1988

Senior Citizens:

Understanding Elder Abuse - explains the reporting law related to the suspected abuse or neglect of the elderly - Double Vision - 8 minutes

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A House Divided: Elderly Abuse - portrayal of circumstances leading to elder abuse, and the needs and emotions of the victims - Filmmakers - 35 minutes - 1990

Men and Women:

You Are the Game: Sexual Harassment on Campus - presents dramatizations of two types of sexual harassment found in the academic setting, followed by a panel discussion featuring national experts - Indiana University - 59 minutes - 1986

Pinks and the Blues - presents the subtle ways in which parents and teachers condition young children - Time-Life Video - 57 minutes - 1980

Still Killing Us Softly - explores the relationship of media and advertising images of women to societal problems such as discrimination

A Gathering of Men - chronicles a three day workshop for men, including Bill Moyers interviewing Robert Bly - Public Affairs TV/PBS - 90 minutes - 1989

Man of Man: Growing Up Male in America - 18 minutes - New Day Films, 22 D Hollywood Avenue, Hohokus, N.J. 07423. (201) 808-4980. Also available through the SERVE Library Connection Leadership Project, 1314 H Street, Suite 201, Sacramento, CA 95814. (916) 556-1680.

The Fairer Sex? - 57 minutes - PBS Video, 1320 Broddack Place, Alexandria, VA 22314-1698. (800) 334-3337. Also available through the SERVE Library Connection Leadership Project, 1314 H Street, Suite 201, Sacramento, CA 95814. (916) 556-1680.

Cultural Simulation Game:

R. Garry Shirts. *BaFa BaFa: A Cross-Cultural Simulation*. Del Mar, CA: Simile II, 1977.

Experiential Exercises:

The source for many of these activities is the Weeks, Pedersen, Brislin manual cited in the "Teaching About Cultural Diversity" section of the bibliography. Although permission was granted to reprint only a small number of the exercises, many more are described in the manual itself.

Self-assessment materials can be found in the P.O.S.T. Instructor Guide which is also cited in the bibliography. The following exercises are designed to help students understand and appreciate the diversity they will encounter in the public safety professions.

Exercise #1*:

Students are asked to interview someone who belongs to an ethnic minority group, to collect specific information relevant to the course, and to use course concepts and frameworks to interpret interview information.

Ask open-ended questions about the following areas:

1. The immigration or migration history of the subject and his or her family - "Please tell me about your family's immigration to the U.S." (if immigration is relevant); "How did you/your family end up settling here?" (if migration is more relevant)
2. Socioeconomic status - Highest level of education obtained by subject and subject's parents as well as a description of the type of work they have done

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3. Psychosocial problems experienced by the subject - “What current or past problems have you encountered since coming to the U.S.?” (e.g. health, mental health, legal, financial, etc.)
4. Service utilization - “What services have you used (e.g. health, mental health, legal, financial, etc.) to improve your life situation? Why or why not?”
5. Experience with public safety personnel - “Have you had any experience with law enforcement officers, firefighters, corrections officials, or hazardous materials personnel? If yes, explain.”
6. Ethnic identity - “As a member of an ethnic minority group, how do you identify yourself? What thoughts or feelings do you have about your ethnic group (e.g. their social problems, progress, good and bad characteristics, etc.) and toward the majority culture?”
7. Experiences with racism and discrimination - “Have you personally experienced racism? If yes, explain. Has discrimination ever interfered with your life (e.g. work, school, relationships, etc.)? If yes, explain. If no, how have you avoided that?”

* Submitted by Kurt Organista, School of Social Welfare, UC Berkeley

Exercise #2**:

Instruct all students to answer the following questions and then compare answers on the basis of race, ethnicity, gender, and/or religion.

How should privileges differ for males and females?
At what age should men marry? Women?
Where should young men live when they finish high school? Young women?
Who should choose marriage partners?
Why do most people work?
What kind of work should men do - in and out of the home? Women?
What do most people fear most?
How can you improve on what you are or have?
What is the relationship between nature and people?
What should you be willing to sacrifice to ensure a better life?
How many children should couples have?
What is expected of children when they're young?
What is expected of children when their parents are old?
What should you depend on others for?
By what age should people become self-sufficient?
What should you let others know and what should be private?
How do you plan for the future?
What should people remember from their heritage?
What can you depend on as always being good or important?
Who should you obey?
Who makes decisions (home, school, community)?
How should you behave with others (peers, parents, other authority figures, young children, old people)?
Who should you respect and how do you show respect for others?
How should you act in public to bring honor upon your family?

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Which is more important—you as an individual or you as a member of your family?

Who do you seek advice from?

What are the signs of success in life?

What provides security in life?

** From *Survival Kit for Overseas Living*, 2nd ed. by L. Robert Kohls, Intercultural Press, 1984.

Exercise #3:

Case Study in Appendix C that can be used to illustrate course concepts.

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Multicultural Issues Within Public Safety

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Sample Lesson Plan - Lesson 1

The first lesson includes relevant material taken from the P.O.S.T. Unit Guide for L.D. 42 along with additional information for those components not required by P.O.S.T. Additional P.O.S.T. materials include video discussion guides and supporting resources for student self-assessment which are available from the California State Library, 914 Capitol Mall, Sacramento, CA 95814 (916-654-0261). The P.O.S.T. unit guide materials are extensive and are included in their entirety to assist instructors in preparing students for exams they will take to enter the skills portion of an academy. The sections that are not required by P.O.S.T. consist primarily of the topic outline in order to provide opportunities for the academic freedom that faculty have requested.

I. Introduction

A. Multiculturalism

1. Terminology associated with diversity, ethnicity, human relations, race, gender, age, and sexual preference (**L.D. 42**)
 - a. Culture
 - b. Diversity
 - c. Marginality
 - d. Race
 - e. Minority group
 - f. Gender
 - g. Ethnicity
 - h. Ageism
 - i. Ethnocentrism
 - j. Prejudice
 - k. Discrimination
 - l. Sexism
 - m. Racism
 - n. Institutional discrimination
 - o. Homogeneity vs. heterogeneity
 - p. Scapegoating
 - q. Stereotypes
 - r. Ethnophobia
 - s. Homophobia
 - t. Sexual exploitation
2. Definitions of prejudice and discrimination and the difference between the two (**L.D. 42**)
 - a. Prejudice
 - (1) A point of view
 - (a) A prejudgment about a person or class of persons composed of opinion or bias
 - (b) Socially learned, and usually grounded in misconceptions, misunderstandings, and inflexible generalizations
 - (2) A common misunderstanding about prejudice and what can be done about it is the concept that prejudice is prejudging people and that, therefore, effective counteraction involves learning about human differences and fostering opportunities for intergroup interaction.
 - (3) This common concept is at best simplistic and offers only limited prospects for overcoming prejudice. More helpful is understanding the process of prejudice:

Prejudice is the result of psychological filtering and screening which everyone uses all the time. It is not a static attitude.

- (4) Each person develops convenient and effective systems for simplifying and ordering the huge amount of information and stimuli received daily. These systems help people make decisions, determine preferences, and select courses of action.
- b. Discrimination
 - (1) An action or behavior.
 - (2) Discrimination is differential treatment based on unfair categorization.
 - (3) Discrimination is denial of justice prompted by prejudice.
 - (a) When we act on our prejudices, we engage in discrimination.
 - (b) Discrimination often involves keeping people out of activities or places because of the group to which they belong.
- c. Differences between prejudice and discrimination
 - (1) Because prejudice is a point of view it is difficult, if not impossible, to regulate.
 - (2) Discrimination is, however, a behavior or an action which can be addressed by law.
- 3. The past and present relationship between diverse population groups and public safety agencies and personnel
 - a. Problems that have existed in this country in the past
 - b. Problems that currently exist in this country
 - c. Expectations that people bring from other countries based on how public safety personnel treat citizens there
 - (1) Fear of intimidation
 - (2) Fear of physical violence
 - (3) Fear of incarceration (sometimes due to political viewpoints)
 - (4) Assumption that public safety personnel have to be bribed in order to obtain service or avoid enforcement

NOTE—Instructors should highlight any specific examples from their own knowledge.

- 4. Examination of personal attitudes
 - a.. P.O.S.T. Learning Activity #1 (described in the course outline for Multicultural Issues in Public Safety - personal inventory is available from the California State Library)
 - b. Discussion of relationship between personal attitudes and professional behavior

Special Issues In Criminal Justice

Prepared by: Sarah E. Goodman, MiraCosta College, Oceanside, CA

Nature And Purpose Of The Course:

This course is directed at the academy-bound student. It covers the POST learning domains not included in the other community college courses required of students desiring to make a seamless transition to the academy. At present (5/96) this course covers the following POST Learning Domains: #1 History, Professionalism, and Ethics, #3 Community Relations, #36 Information Systems, and #37 Persons With Disabilities. The minimum hours for each LD are 8, 12, 4, and 6 hours respectively for a total of 30 required hours. Since the current community college formula calls for a minimum of 16 class hours per credit unit, it would be possible to offer this material in a two-unit course. However, that would allow virtually no opportunity to offer more than the minimum hours required by POST for what are some of the most important topics in the pre-academy portion of the program. It is therefore recommended that the class be offered as a three-unit course so that additional time can be devoted to some of the more critical subjects such as ethics, community relations, and persons with disabilities. A three-unit design will also give colleges the maximum flexibility to adjust the course should POST change its requirements for these topics and possibly add new ones. The course title and the catalog description as presented are meant to allow for maximum flexibility. This is done not only for the reasons described above, but also in hope of avoiding regular trips to local Curriculum Committees as adjustments are made to the course.

Course Objectives: (Knowledge, attitudes, and skills to be attained as a result of completing this course)

Upon successful completion of the course, a student will demonstrate the ability to:

1. recognize and apply the instructional material covered in the training specifications for Learning Domain #01: History, Professionalism and Ethics, as specified by P.O.S.T. for the Regular Basic Course.
2. recognize and apply the instructional material covered in the training specifications for Learning Domain #03: Community Relations, as specified by P.O.S.T. for the Regular Basic Course.
3. recognize and apply the instructional material covered in the training specifications for Learning Domain #36: Information Systems, as specified by P.O.S.T. for the Regular Basic Course.
4. recognize and apply the instructional material covered in the training specifications for Learning Domain #37: Persons With Disabilities, as specified by P.O.S.T. for the Regular Basic Course.

Catalog Course Description:

Special issues critical to effective service by law enforcement professionals in modern society. Topics to be covered will include police as professionals; defining and applying values, principles, and moral standards to law enforcement; police and the community; correctly utilizing information systems in police work; working effectively with persons with disabilities.

Course Outlineⁱ (see Notes)

(Note that POST Training Specification is designated as TS and POST Learning Domain as LD herein.)

I Orientation 1 hour minimum

- A. Welcome and introductions
- B. Presentation of course overview and requirements
- C. Other orientation activities, such as construction of phone lists for study groups and/or completion of opening day student survey instruments, as appropriate

**II. History of law enforcement in the US and California (TS II A [1 - 7] for LD #01) to includeⁱⁱ:
1 hour minimum**

- A. Roots in English common law
- B. Urbanization of America
- C. Evolution of the automobile and increased public mobility
- D. Advent of professionalism and the use of technology to improve communication and mobility
- E. Establishment of California's first police academy
- F. Reforms and innovations implemented by August Vollmer
- G. Applications of specialized technology(e.g. CAL ID, aviation patrol, crime analysis, etc.)

III. Police work as a profession (TS II B [1 - 5] for LD #01) 2 hours minimum

- A. Historical perspective
- B. Characteristics of a profession to include:
 - 1. Common set of principles and goals
 - 2. Systematically transmitted body of knowledge
 - 3. Supporting professional organizations
 - 4. Code of ethics/code of professional conduct, including respect for persons of all races, ethnicities, genders, sexual preferences, and ability statuses
 - 5. Licensure or certification

IV. Ethics in professional law enforcement 5 hours minimum

- A. Values, principles, ethics, and moral standards as they relate to law enforcement (TS IIC for LD #01)
 - 1. Values
 - a. Definition
 - b. Types of values
 - c. Relationship(s) of the various types of values, including how possible value conflicts should be resolved
 - 2. Principles
 - a. Defined in terms of ethical standards
 - 3. Ethics
 - a. General definition
 - b. As defined by the *Law Enforcement Code of Ethics* (TS II G for LD #01) and the *Code of Professional Conduct and Responsibilities for Peace Officers* (TS II H for LD #01)
 - c. Importance of
 - d. How to determine if a particular act meets ethical standards
 - e. Role of norms in ethical decision making
 - f. Preventing/correcting unethical behavior (TS II D for LD #01)
 - g. Benefits of professional and ethical behavior (TS I IF for LD #01) to include:
 - (1) promoting professionalism in law enforcement
 - (2) gaining public support for law enforcement
 - (3) earning respect and confidence of peers
 - (4) maintaining a sense of self-worth and pride
- B. Expectations regarding the lawful and ethical behavior of peace officers
 - 1. Community expectations-generallyⁱⁱⁱ (TS II E for LD #01)
 - a. Factors which shape and influence, including stereotypical thinking about law enforcement
 - b. Criteria used by citizens to evaluate police performance
 - 2. Specific expectations of persons directly involved in an incident
 - 3. Government expectations
 - 4. Department expectations

5. Peer expectations
6. Expectations defined by the individual officer
- C. Benefits of professional and ethical behavior
- D. Examples and potential ramifications of unethical or unprofessional conduct (**TS II I [1 - 11] for LD #01**) to include:
 1. Verbal abuse, discourtesy, or inappropriate language
 2. Discrimination/racism/sexism
 3. Unlawful use of force (e.g. assault under color of authority)
 4. Violation of a person's civil rights, including false arrest, unlawful detention, and unlawful search/seizure)
 5. Substance abuse
 6. Misusing/compromising confidential information or privileged communications
 7. Theft or misappropriation of property or evidence
 8. Obstruction or miscarriage of justice, including falsification or destruction of official documents, perjury, planting evidence, "Code of Silence," and non-enforcement of specific laws by personal choice
 9. Accepting of gratuities
 10. Inappropriate off-duty behavior
 11. Converting of on-duty contacts into off-duty relationships
 12. Any abuse of power, including sexual harassment and exploitation
- E. The concept of intervention (acting to prevent or stop unethical or unlawful behavior of a another peace officer)(**TS II J [1 - 5] for LD #01**) to include:
 1. types and levels of intervention
 2. legal basis for intervention
 3. behaviors that prompt the need for intervention
 4. factors that can inhibit an officer from intervening
 5. reasons why an individual officer should intervene

(Note that at the end of this part of the course the student will be required to critique a series of re-enactments/descriptions of possible unethical or unprofessional conduct by a peace officer(s) and will be required to discuss the legal, professional and community relations consequences of the behavior [**TS IV for LD #01**].)

V. Peace officer interactions with the public^{iv} 2 hours minimum

- A. Roles and responsibilities of peace officers relative to an incident (**TS II A for LD #03**), including
 1. Order maintenance
 2. Crime prevention
 3. Public education, including opportunities to serve as role models
 4. Delivery of service
 5. Enforcement of the law
- B. Expectations and perceptions of the peace officer's behavior from the viewpoint of:
 1. Community in general (**TS II C for LD #03**)
 2. Government (particularly the local governing body)
 3. Persons directly involved in the incident
 4. Officer's department
 5. Officer's peers
 6. Officer

- C. Criteria commonly used by the public to evaluate effectiveness of law enforcement services **(TS II B for LD #03)**, including:
 - 1. Use of time and equipment when not responding to calls for service
 - 2. Response time
 - 3. Behavior and appearance, including demeanor
 - 4. Judgment, especially in stressful situations
 - 5. Problem solving or conflict resolution skills
- D. Typical stereotypes that the public may have about law enforcement **(TS II B for LD #03)**
- E. The application of community-oriented/problem-oriented policing concepts **(TS II R for LD #03)**
- F. Current issues which impact the delivery of law enforcement services
- G. Communication and active listening skills **(TS II D for LD #03)**
- H. Releasing information to the press **(TS II S for LD #03)**

VI. Crime risks and crime prevention concepts^{iv} 2 hours minimum

- A. Crime prevention: definition **(TS II E for LD #03)**
 - 1. Anticipating criminal activity
 - a. Beat profiling or familiarity with crime patterns
 - b. Cultivating information from people who work in, reside in, or otherwise frequent the area
 - 2. Recognizing a crime risk in regard to:
 - a. Persons
 - b. Residences
 - c. Commercial establishments
 - d. Vehicles and vessels
 - 3. Appraising crime problems
 - a. Exchanging information with officers on other shifts
 - b. Utilizing crime analysis information
 - c. Exchanging information with officers from other departments
- B. Crime prevention techniques **(TS II E for LD #03)**: Taking specific actions to remove or reduce the opportunity for criminal activity
 - 1. Security surveys: residential/commercial **(TS II G for LD #03)**
 - 2. Directed patrol/selective enforcement
 - 3. Public education
 - 4. Methods of reducing risks associated with residences, vehicles/vessels, commercial establishments, and persons **(TS II F for LD #03)**
- C. Commonly utilized crime prevention programs
 - 1. Watch or alert programs
 - 2. Operation Identification
 - 3. Child identification/fingerprinting
 - 4. Drug Abuse Resistance Education
 - 5. Anti-domestic violence counseling and education

VII. Telephone Contacts^{vi} (VII and VIII are aimed at enhancing professionalism through effective communication (TS II H for LD #03) 1 hour minimum

- A. Positive telephone demeanor
 - 1. Elements of
 - 2. Importance of
- B. Receiving a call
 - 1. Answer as quickly as possible
 - 2. Determine urgency of the situation

3. Identify yourself according to departmental policy
4. Maintain friendly, attentive, and helpful attitude
5. Transfer calls only when necessary and stay on the line until the call is transferred
6. End calls by letting caller hang up first if possible
- C. Suggestions for good telephone communication
 1. Use caller's name
 2. Treat every call as important
 3. Be tactful when refusing service (policy/jurisdiction)
 4. Apologize for errors and explain delays
 5. Follow through on promises
- D. Use of 911 equipment
 1. Types of systems, including T.D.D. services

VIII. Tactical Communication^{vii} 5 hours minimum

- A. Introduction to tactical communication
 1. Importance of
 2. Operational definitions (**TS II I for LD #03**) including:
 - a. tactical communication
 - b. verbal persuasion
 - c. persuasive rhetoric
 3. Literal definitions
- B. Goals of tactical communication training
 1. Enhance officer safety
 2. Enhance professionalism
- C. The law enforcement profession and communication
 1. Law enforcement is highly visible
 2. Law enforcement requires quick decisions
 3. Law enforcement is based on a codified body of knowledge
 4. Law enforcement requires continuing training
 5. Law enforcement must adapt to change
 6. Law enforcement is based on standards of ethical conduct
 7. Law enforcement is symbolized by the badge
- D. Benefits of tactical communication
 1. Enables officers to perform their duties by using appropriate presence and words as force options
 2. Provides a set of principles, tactics, and strategies that enable the user to gain cooperation and voluntary compliance in contacts which place the officer in a stress or conflict situation
 3. Facilitates a professional, as opposed to an emotional, response
- E. Conditions when words fail: SAFER (**TS II J for LD #03**)
 1. Security
 2. Attack
 3. Flight
 4. Excessive repetition
 5. Revised priorities
- F. How tactical communication relates to other force options from professional presence to deadly force given that a major goal is voluntary compliance
- G. The communicator's state of mind or habit of mind
 1. Being disinterested (not *uninterested*) or what the Japanese call *mushin*
 2. The Professional Face and the Personal Face
 3. The PACE checklist

- a. Problem
 - b. Audience
 - c. Constraints
 - d. Ethical presence
- 4. Cultural factors
- H. Three types of personalities that an officer will often encounter
 - 1. The compliant person
 - 2. The resistant person
 - 3. The compliant-resistant person
- I. How to handle verbal abuse
 - a. Avoid the natural reaction of confrontation
 - b. Respond professionally rather than reacting unprofessionally
 - c. Deflection techniques (**TS II M for LD #03**)
- J. The art of representation
 - 1. Description of
 - 2. Empathy
 - 3. Ego
 - 4. Roles
- K. The art of translation or sending and receiving a message
 - 1. Description of
 - 2. Objective of
 - 3. Steps involved
- L. The art of mediation
 - 1. Description of
 - 2. Examples of
 - 3. Advantages
- M. The basic elements of communication
 - 1. Content
 - 2. Voice
 - 3. Nonverbals (**TS II O for LD #03**)
 - 4. Cultural elements
- N. Five tools to generate voluntary compliance
 - 1. Listening
 - 2. Empathizing
 - 3. Asking
 - 4. Paraphrasing (**TS II N for LD #03**)
 - 5. Summarizing
- O. Tactical communication techniques
 - 1. A five-step process for obtaining voluntary compliance (**TS II K for LD #03**)
 - a. Ask (Ethical appeal)
 - b. Set context (Reasonable appeal)
 - c. Present options (Personal appeal)
 - d. Confirm (Practical appeal)
 - e. Act (Take appropriate action)
 - 2. The eight-step process for conducting a vehicle stop (**TS II L for LD #03**)
 - a. Greeting
 - b. Identify self and agency
 - c. Explain reason for stop
 - d. Ask if possible legal justification

- e. Request driver's license
- f. Request vehicle registration
- e. Decision
- f. Close

P. Factors which inhibit effective communication (**TS II P for LD #03**)

- a. Verbal
- b. Non-verbal
- c. Cultural differences

IX. Problem-solving models^{viii} (TS II Q for LD #03) 2 hours minimum

A. The SARA model as commonly applied to POP programs

- 1. Scanning
- 2. Analysis
- 3. Response
- 4. Assessment

B. The six-point model

- 1. Identifying the problem
- 2. Analyzing the problem
- 3. Developing alternatives
- 4. Selecting solution
- 5. Implementing decisions
- 6. Evaluating action

(Note that at the appropriate point(s) in delivery of **LD#03** (Sections V-IX of this outline) the student will be required participate in the following five learning activities :

LD3,IV A: A learning activity involving a facilitated discussion of peace officer contacts with the public

LD3,IV B: A learning activity involving a facilitated discussion of crime risks and crime prevention concepts

LD3,IV C: A learning activity involving a facilitated discussion/critique of telephone contacts

LD3,IV D: A learning activity involving a facilitated discussion of law enforcement contacts with the public which includes conditions when words fail, the five-step process for obtaining voluntary compliance, and the eight-step process for conducting a vehicle stop

LD3,IV E: A learning activity involving a facilitated discussion based on a law enforcement-related problem in which the student is required to apply the SARA model to resolve the problem.)

X. Information Systems 4 hours minimum

A. California Penal Code and California Government Code sections governing access and dissemination of information from the system (**TS II A for LD #36**)

B. Department of Justice Policies and procedures governing access, dissemination, and verification of system information (**TS II B for LD #36**)

C. National Crime Information Center policies and procedures governing access, dissemination, and verification of system information (**TS II C for LD #36**)

D. Information services available to law enforcement agencies (**TS II D for LD #36**) from the following systems:

- 1. CLETS
- 2. CJIS
- 3. NLETS
- 4. NCIC

E. Unauthorized access to computer data and computer systems: PC 502^{ix}

- 1. Elements of the statute
- 2. Violation of by law enforcement

- F. Release of state criminal records^x
 - 1. Relevant Penal Code sections
 - 2. Potential consequences for violation
- G. Release of local criminal records^{xi}
 - 1. Relevant Penal Code Sections
 - 2. Potential consequences for violation
- H. Confirming Computer Information^{xii}
 - 1. Definition of confirmation
 - 2. D.O.J. requirements for confirming information
- I. Information available, data required to obtain^{xiii}
 - 1. General information
 - 2. Persons (**TS II E for LD #36**)
 - 3. Vehicle/vessel systems (**TS II E for LD #36**)
 - 4. Property systems (**TS II E for LD #36**)
 - 5. Firearm systems (**TS II E for LD #36**)
 - 6. Miscellaneous systems and services

(Note that at an appropriate point in delivery of **LD #36** [Section X of this outline] the student will be required to participate in the following learning activity: **LD#36,IV**. Students shall participate in an instructor-led discussion of how to use the criminal justice information system to retrieve specific types of information. The instructor will describe a hypothetical investigation, and the students will discuss how the system could be used to retrieve information needed by the investigators. A variety of methods [e.g., videotape depictions or simulations] can be used to present the hypothetical investigation to the students.)

XI. Persons with Disabilities^{xiv} 6 hours minimum

- A. Recognizing and communicating with deaf or hearing impaired persons^{xv} (**TS II D 1 for LD #37**)
 - 1. Recognition: cues
 - 2. Approach
 - 3. Communication: appropriate responses
 - 4. Safety considerations
 - 5. Legal considerations
- B. Recognizing and communicating with blind or visually impaired persons^{xvi} (**TS II D 2 for LD #37**)
 - 1. Introduction
 - 2. Characteristics
 - 3. Communication: appropriate responses
 - 4. General public contacts/witnesses
 - 5. Legal considerations
- C. Behaviors associated with other physical disabilities:
 - 1. Acquired neurological disorders (e.g. Alzheimer's Disease and stroke) (**TS II D 3 for LD #37**)
 - 2. Traumatic neurological disorders (e.g. traumatic brain injury and spinal cord injuries) (**TS II D 4 for LD #37**)
 - 3. Additional physical impairments (e.g. amputations or other conditions which affect physical functions) (**TS II D 5 for LD #37**)
- D. Laws protecting persons with disabilities^{xvii}
 - 1. Vehicle Code Section 21963 (**TS II E 5 for LD #37**)
 - 2. Civil Code Sections 54.1, 54.2, and 54.4 (*White Cane Law*) (**TS II E 6 for LD #37**)
 - 3. PC Section 365.5 (**TS II E 7 for LD #37**)
 - 4. Lanterman Developmental Disabilities Services Act (**TS II E 3 for LD #37**)
 - 5. Americans With Disabilities Act (ADA) (**TS II E 1 for LD #37**)
 - 6. Rehabilitation Act of 1973 (**TS II E 4 for LD #37**)

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- E. Requirements for detention under 5150 WIC^{xviii} **(TS II A 1 for LD #37)**
 - 1. The Lanterman-Petris-Short Act **(TS II E 2 for LD #37)**
 - a. Purpose of the act
 - b. Requirements for legally detaining a person under 5150 WIC
 - c. Procedural considerations
- F. Rights of persons detained under 5150 WIC^{xix} **(TS II A 2 for LD #37)**
 - 1. Safeguard of legal rights
 - 2. Documentation of probable cause
 - 3. Safeguard of personal property
 - a. Including confiscation and custody of deadly weapons from persons who are subject to detention under Section 5150 WIC **(TS II A 3 for LD #37)**
 - 4. Mental health facilities and regional centers
- G. Unusual behavior or appearance^{xx}
 - 1. Mental illness
 - a. Thought disorders **(TS II B 1 for LD #37)**
 - b. Mood disorders **(TS II B 2 for LD #37)**
 - 2. Developmental disabilities
 - a. Autism **(TS II C 4 for LD #37)**
 - b. Mental retardation **(TS II C 1 for LD #37)**
 - c. Cerebral palsy **(TS II C 2 for LD #37)**
 - d. Epilepsy **(TS II C 3 for LD #37)**
 - e. Other related disabling conditions defined as developmental disabilities under prevailing state and federal laws **(TS II C 5 for LD #37)**
 - 3. Neurological disorders
 - a. Alzheimer's Disease
 - b. Traumatic or acquired brain injury
- H. Alternative(to a 5150 detention) methods of evaluation and treatment^{xxi}
 - 1. Urgent medical attention
 - 2. Arrest
 - 3. Referral for mental health services
 - 4. Referral to local developmental disabilities agency
 - 5. No arrest action required
 - 6. Appropriate social resource referral
- I. Risk factors associated with Postpartum Psychosis^{xxii}
 - 1. Patterns of behavior associated with postpartum females**(TS II B 3 for LD #37)**
 - 2. Specific risk factors
- J. Action to assist a female suffering from postpartum psychosis^{xxiii} **(TS II B 3 for LD #37)**
 - 1. Detention for mental evaluation
 - 2. Referral for mental health services
 - 3. Report to Child Protective Services
 - 4. Arrest
 - 5. Emergency medical care
 - 6. No police action required
- K. Safety considerations related to contacts, detentions, and arrests of persons with disabilities **(TS II F for LD #37)**
- L. Strategies and communication techniques for dealing with persons with disabilities **(TS II G for LD #37)**
- M. Use of state and local resources available to persons with disabilities**(TS II H for LD #37)**

(Note that at an appropriate point in delivery of **LD #37** (Section XI of this outline) the student will be

required to participate in the following learning activities : **LD#37,IV.** Students shall engage in participation in a facilitated critique following a series of simulated incidents regarding effective law enforcement intervention techniques with persons exhibiting behavior which may be indicative of a disability.)

XII. Course review

Comprehensive Final Examination

Suggested College Level Critical Thinking Tasks/Assignments

The many POST learning activities described in the outline

Required Reading, Writing, And Other Outside-Of-Class Assignments:

There shall be a minimum of two hours outside of class for every hour of class time.

- ☒ Study ☒ Answer Questions
- ☒ Skill Practice ☒ Required Reading
- ☒ Problem Solving Activity or Exercise
- ☒ Written Work

Methods To Measure Student Achievement

1. Substantial writing assignments, including:
 - ☒ essay exam(s) ☒ term or other papers
 - ☒ written homework
2. Computational or non-computational problem-solving demonstrations, including:
 - ☒ exams ☒ homework problems
3. Skill demonstrations, including:
 - ☒ class performance(s) ☒ experiential exercises in and out of class
4. Objective examinations, including:
 - ☒ Multiple choice ☒ true false ☒ matching items

Text And Supplemental Materials: College Level

References For Material Relating To L.D. #1

Texts:

Braswell, Michael C., Belinda R. McCarthy and Belinda J. McCarthy. *Justice, Crime, and Ethics*, 2nd. ed. Cincinnati, OH: Anderson Publishing Company, 1996.

Johnson, Herbert A. and Nancy Travis Wolfe. *History of Criminal Justice*, 2nd. ed. Cincinnati, OH: Anderson Publishing Company, 1996.

Pollock, Joycelyn M. *Ethics In Crime and Justice: Dilemmas and Decisions*, 2nd. ed. Belmont, CA: Wadsworth Publishing Company, 1994.

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Souryal, Sam S. *Ethics in Criminal Justice: In Search of the Truth*. Cincinnati, OH: Anderson Publishing Company, 1992.

Other resources:

Ethics in Law Enforcement, a 19-minute video on police misconduct and ethical violations, distributed by AIMS Video, 1989, 1-800-367-2467.

Josephson, Michael. *Ethical Values, Attitudes, and Behaviors in American Schools*. Article published by The Josephson Institute of Ethics, Marina del Rey, no date.

Law Enforcement Ethics, a 28-minute video featuring Neal Trautman of the National Institute of Ethics providing a systematic approach to ethical behavior. Powers Lake, WI: Performance Dimensions Publishing, 1992.

Law Enforcement Professionalism, a 30-minute video featuring Lt. Art Sapp of the Colorado Springs Police Department, distributed by AIMS Video, 1994, 1-800-367-2467.

POST Basic Unit Instructor Guide for L.D.1: This guide includes excellent supporting materials and references in its appendix, February 1995 or most current.

POST Career Ethics/Integrity Training Guide, 1988 or most current.

Thureson, Joan. *Practical Approaches to Teaching Ethics*, FACCC Bulletin, Feb. 1989.

References For Material Relating To L.D. #3

Texts:

Kratcoski, Peter C. and Duane Dukes. *Issues in Community Policing*. Upper Saddle River, NJ: Prentice Hall, 1995.

Peak, Kenneth J. and Ronald Glensor. *Community Policing and Problem Solving: Strategies and Practices*. Upper Saddle River, NJ: Prentice Hall, 1996.

Trojanowicz, Robert and Bonnie Bucqueroux. *Community Policing-How to get Started*. Cincinnati, OH: Anderson Publishing Company, 1994.

Tonry, Michael and David P. Farrington. *Building a Safer Society: Strategic Approaches to Crime Prevention*. Chicago, IL: The University of Chicago Press, 1995.

Walker, Samuel, Cassia Spohn and Miriam DeLone. *The Color of Justice: Race, Ethnicity and Crime in America*. Belmont, CA: Wadsworth Publishing Company, 1996.

Other resources:

Crisis Intervention, a 28-minute video providing techniques for dealing with emotion-charged situations, distributed by AIMS Video, 1993, 1-800-367-2467.

Interpersonal Communications Skills, a 29-minute video with Ed Nowicki, distributed by AIMS Video, 1993, 1-800-367-2467.

Sadd, Susan and Randolph M. Grinc. *Implementation Challenges in Community Policing*. Reported in the National Institute of Justice Research in Brief: February 1996.

POST Basic Unit Instructor Guide for L.D.3: This guide includes excellent detail, March 1994 or most current.

References For Material Relating To L.D. #36

Other resources:

California Penal Code and California Government Code, current year, any publisher, reference sections governing access and dissemination of information.

Detailed material on the various systems, for example, NCIC, can be obtained directly.

POST Basic Unit Instructor Guide for L.D.36. This guide provides the needed detail and is rich with supporting material and references, January 1994 or most current. (Check citations given in current codes.)

References For Material Relating To L.D. #37

Texts and Other Books:

Andreasen, Nancy C. *The Broken Brain*. New York: Harper and Row-Perennial Library, 1984.

Bickenbach, Jerome Edmund. *Physical Disability and Social Policy*. Toronto, Canada: University of Toronto Press, 1992.

Bucaglia, Leo. *The Disabled and Their Parents*. Henry Holt, 1983.

Champie, Joan. "'Least Restrictive Environments' for the Deaf." *Education Digest*, v. 52 (November 1986), p. 43.

Fine, Michelle and Adrienne Asch. *Women with Disabilities: Essays in Psychology, Culture, and Politics*. Philadelphia, PA: Temple University Press, 1988.

Goleman, Daniel. "Why Women Drink." *Reader's Digest*, v. 142 (March 1993), p. 75.

Hattersley, John (ed.). *People with Mental Handicap: Perspectives on Intellectual Disability*. Boston, MA: Faber, 1987.

"Hope From Home: Community Care." *The Economist* v. 328 (August 14, 1993), p. 56.

Hopkins, Kevin R. "Breaking the Lens of Stereotype." *Business Week* v. 22 (May 30, 1994), p. 94.

"Improving Lives of Disabled Adults." *USA Today* v. 121 (July 1992), p. 7.

Krementz, Jill. *How It Feels to Live with a Physical Disability*. New York, N.Y.: Simon and Schuster, 1992.

Lonsdale, Susan. *Women and Disability: the Experience of Physical Disability Among Women*. New York, N.Y.: St. Martin's Press, 1990.

Mairs, Nancy. "Young and Disabled." *Glamour* v.94 (March 1996), p. 196.

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Marinelli, Robert P. and Arthur E. Dell Orto (eds.). The Psychological and Social Impact of Disability. New York, N.Y.: Springer Publishing Co., 1991.

Perlin, Michael. Mental Disability Law: Civil and Criminal. Charlottesville, VA: Michie Co., 1989.

Rennie, John. "Who Is Normal: Is Trying to 'Fix' a Disability Sometimes a Mistake?" Scientific American v. 269 (August 1993), p. 14.

Resources for People with Disabilities and Chronic Conditions. Lexington, MA: Resources for Rehabilitation, 1993.

Strolov. Medical and Physical Aspects of Disabilities. (Incomplete citation. This book is from the 1970s and probably out of print, but still highly recommended. May be available in used bookstores.)

Sutter, Sue S. Women with Disabilities. [Transcript.] Vital Speeches v. 60 (December 1, 1993), p. 111.

A Technical Assistance Manual on the Employment Provisions of the American with Disabilities Act. Washington, D.C.: Equal Opportunity Commission. [Supplement of Documents Distributed by U.S. G.P.O.], 1992.

Tracey, William R. Training Employees with Disabilities: Strategies to Enhance Learning and Development for an Expanding Part of Your Workforce. New York, N.Y.: Amacom, 1995.

Other resources:

Americans With Disabilities Act: September 14, 1992.

Arc (<http://fohnix.metronet.com/~thearc/welcome.html>) ARC is the largest voluntary organization in the U.S. committed to the welfare of mentally retarded children and adults.

Center For Mental Health Services (CMHS) 800-790-2647 (supports public access to mental health information)

Disabled Student Services at individual colleges can usually provide rich resources. Many can provide lecturers.

Cornucopia of Disability Information (<gopher://val-dor.cc.buffalo.edu>) described as "one-stop shopping" for disability information.

McAfee, James and Stephanie L. Musso, *Police Training and Citizens with Mental Retardation* in Criminal Justice Review, Vol. 20, Number 1: Georgia State University, Spring 1995.

National Health Information Center, U.S. Department of Health and Human Services, Office of Disease Prevention and Health Promotion, P.O. Box 1133, Washington, D.C. 20013, 800-336-4797

National Mental Health Association, 1021 Prince Street, Alexandria, VA 22314-2971, 800-969-6642.

Net Connections for Communication Disorders and Sciences (<gopher://una.hh.lib.umich.edu/11/inetdirrstacks/>) hundreds of online resources for communication disorders and hearing impairments.

POST Basic Unit Instructor Guide for L.D. 37. This guide provides good detail and contains references to many other sources, most current.

Traumatic Brain Injury (<http://www@sasquatch.com.tbi>)

NOTES:

¹ A three unit community college course must include 48 in-class hours and may include as many as 54 in-class hours. This outline is presented with topics to cover the minimum in-class hours required by POST for these topics thus allowing for maximum opportunity to tailor the course to local needs. The outline is organized in terms of hours rather than weeks since the number of weeks may vary. That is, the same course may be presented in a fall or spring semester covering 16 to 18 weeks, a summer session averaging 8 weeks, or any number of configurations for accelerated format presentation. Whatever the pace of presentation may be, it is recommended that the course materials be presented in the order suggested by the course outline.

² Note that successful completion of the material in II., III., and IV. prepares the student to successfully perform POST Learning Activity 13.1.1: Given a minimum of three word pictures, videotapes or other stimulus materials provided by the instructor which depict potential examples of unprofessional or unlawful conduct by peace officers, the student will participate in a facilitated discussion. At a minimum, the discussion must address: 1.) Whether or not the behavior was unlawful, unethical, or inconsistent with the *Law Enforcement Code of Ethics* and/or the *Code of Professional Conduct and Responsibilities for Peace Officers*, 2.) The potential sanctions that could result from the behavior, 3.) Potential perceptions of the public regarding the behavior, and 4.) Whether or not intervention is appropriate.

³ This material is also covered further in the section on community relations

⁴ Note that successful completion of this material (Part V) prepares the student to successfully perform POST Learning Activity 13.3.1: Given a series of simulations, scenarios, video representations, role-plays, word pictures, case studies or other sets of facts depicting law enforcement interactions with the public, the student must participate in a facilitated discussion on the topics presented under the section Peace Officer Interaction with the Public.

⁵ Note that successful completion of this material (Part VI) prepares the student to successfully perform POST Learning Activity 13.3.2: Given a series of simulations, scenarios, video representations, role-plays, word pictures, case studies or other sets of facts depicting a potential crime risk, the student must participate in a facilitated discussion which addresses: 1.) Anticipating criminal activity, 2.) Recognizing a crime risk, 3.) Appraising crime problems, and 4.) Taking specific actions which can remove or reduce the opportunity for criminal activity. The discussion should involve depictions of crime risks which include persons, residences, commercial establishments and vehicles/vessels.

⁶ Note that successful completion of this material (Part VII) prepares the student to successfully perform POST Learning Activity 13.3.3: Given a series of simulations, scenarios, video representations, role-plays, word pictures, case studies or other sets of facts depicting telephone contacts between law enforcement and the public, the student will critique the effectiveness of the contact based upon the following concepts of telephone etiquette: 1.) Prompt answering, 2.) Appropriate greeting and identification, 3.) Courteous listening, 4.) Accurate recording of information, 5.) Quick routing of calls, 6.) Provision of service, and 7.) Courteous termination of the call.

⁷ Note that successful completion of this material (Part VIII) prepares the student to successfully perform POST Learning Activity 13.3.4: Given a series of simulations, scenarios, video representations, role-plays, word pictures, case studies or other sets of facts depicting law enforcement contacts with the public, the student must participate in a facilitated discussion and/or critique which addresses the following aspects of tactical communication: 1.) Conditions when words fail (SAFER), 2.) Five-step process for dealing with uncooperative people, and 3.) Eight-step process for conducting a vehicle stop.

⁸ Note that successful completion of this material (Part IX) prepares the student to successfully perform POST Learning Activity 13.3.5: Given a series of simulations, scenarios, video representations, role-plays, word pictures, case studies or

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other sets of facts depicting a law enforcement-related situation, the student must participate in an activity where a problem-solving model is used to identify the root issue, information sources, response alternatives, and potential solutions.

⁹ Note that successful completion of this material (Part X Section E) prepares the student to successfully perform POST Learning Activity 8.13.4: Given a word picture depicting a possible computer crime involving tampering, interfering, damaging, or accessing information in an unauthorized manner by law enforcement personnel, the student will identify if a crime has occurred(P.C. 502).

¹⁰ Note that successful completion of this material (Part X Section F) prepares the student to successfully perform POST Learning Activity 8.13.5: Given a word picture depicting a possible unlawful release or receiving of state Criminal Offender Record Information (CORI), the student will identify if a crime has occurred (P.C. 11142 and 11143).

¹¹ Note that successful completion of this material (Part X Section G) prepares the student to successfully perform POST Learning Activity 8.13.6: Given a word picture depicting a possible unlawful release or receiving of local Criminal Offender Record Information (CORI), the student will identify if a crime has occurred. (P.C. 13302, 13303, and 13304)

¹² Note that successful completion of this material (Part X Section H) prepares the student to successfully perform POST Learning Activity 8.13.7: Given a word picture depicting a situation in which an officer obtains an apparent computer match to an inquiry regarding a person or property, the student will identify whether or not confirmation was necessary, and if so, if it was obtained according to the three D.O.J. requirements set forth in the unit guide for this subject area.

¹³ Note that successful completion of this material (Part X Section I) prepares the student to successfully perform POST Learning Activity 13.36.1: Given a series of simulations, video representations, word pictures, or other sets of facts depicting incidents which involve the need to make an inquiry into a law enforcement telecommunications system, the student must participate in an instructor-led discussion which addresses the type of information available from the system and the minimum data required to obtain it. The inquiries must address the following information categories: 1.) Persons, 2.) Vehicles/vessels, 3.) Property, and 4.) Firearms.

¹⁴ Note that in Sept 1995 POST revised the training specifications for this area by changing the learning goals and topics to clearly reflect the separation between mental disorders, developmental disabilities and physical disabilities as well as adding Traumatic Brain Injury as a topic and requiring greater specificity in several of the required topics. These changes were made without adding to the minimum hours required for the presentation.

¹⁵ Note that successful completion of this material (Part XI Section A) prepares the student to successfully satisfy POST Performance Objective 5.7.1: Given a word picture depicting a person who may be deaf or hearing impaired, per the list of cues, the student will identify an appropriate response for communicating with the person.

¹⁶ Note that successful completion of this material (Part XI Section B) prepares the student to successfully satisfy POST Performance Objective 5.7.2: Given a word picture depicting a person who may be blind or visually impaired, per the list of cues, the student will identify an appropriate response for communicating with the person.

¹⁷ Note that successful completion of this material (Part XI Section C) prepares the student to successfully satisfy POST Performance Objective 5.7.3: In answer to a direct question, the student will identify the provisions of law described above which apply to the deaf and hearing impaired and the blind and visually impaired.

¹⁸ Note that successful completion of this material (Part XI Section D) prepares the student to successfully satisfy POST Performance Objective 8.36.2: Given a description of a situation involving a person exhibiting unusual behavior, the student will identify whether the person can be lawfully detained under the provisions of Section 5150. The student will minimally be required to respond to descriptions of situations where the following conditions exist: 1.) A person is mentally ill and a danger to him/herself, 2.) A person is mentally ill and a danger to others, 3.) A person is mentally ill and incapable of providing for his/her own needs, 4.) A person is not mentally ill but is a danger to others, and 5.) A person is mentally ill but is not a danger to him/herself or others and is not incapable of providing for him/herself.)

¹⁹ Note that successful completion of this material (Part XI Section E) prepares the student to successfully satisfy POST Performance Objective 8.36.9: Given description of a detention under 5150 WIC, the student will identify if the detaining officer(s) followed the appropriate procedures to safeguard the rights of the person detained.

²⁰ Note that successful completion of this material (Part XI Section F) prepares the student to successfully satisfy POST Performance Objective 8.36.6: Given a description of a person exhibiting unusual behavior or appearance, the student will identify whether the behavior is most likely to be related to mental illness, a developmental disability or a neurological disorder.

²¹ Note that successful completion of this material (Part XI Section G) prepares the student to successfully satisfy POST Performance Objective 8.36.10: Given a word picture depicting behavior which does not qualify for involuntary detention under section 5150 WIC, the student will identify appropriate alternative responses for handling the situation.

²² Note that successful completion of this material (Part XI Section H) prepares the student to successfully satisfy POST Performance Objective 8.36.11: Given a description of a situation involving a female who has given birth within the last 12 months and who displays one or more of the risk factors associated with postpartum psychosis, the student will identify that the female may be suffering from postpartum psychosis.

²³ Note that successful completion of this material (Part XI Section I) prepares the student to successfully satisfy POST Performance Objective 8.36.12: Given a description of a situation involving a female who might be suffering from postpartum psychosis, the student will identify an appropriate course of action.

Special Issues—Sample Lesson Plan

Prepared by: Sarah E. Goodman, MiraCosta College, Oceanside, CA

IV. Ethics In Professional Law Enforcement

C. Benefits Of Professional And Ethical Behavior

D. Consequences Of Unlawful And/Or Unethical Behavior

These topics, which by nature are taught together, were chosen for the sample lesson plan for this course because of the critical nature of good ethical decision making to the health of the law enforcement profession. Many ethicists, educators, clergy and other people, professional and non-professional alike, are concerned that a large number of youth, including some who might be considering a law enforcement career and thus might be students in this very course, are entering adulthood with little motivation to behave in an ethical fashion. This is a fact of which many young people are aware, evidenced by a number of surveys of today's youth wherein they respond that in their estimation they are less likely to base their decisions on ethical concerns than their parents are/were. At the Fall 1996 meeting of the Academy of Criminal Justice Sciences this point was made by the president of that organization, Dr. Jay Albanese, Professor of Criminology and Criminal Justice at Niagara University, who, as part of his keynote address, told of having arrived at a graduate seminar of what he considered to be his finest students, to find that he had dropped his wallet. This was very upsetting as he had just withdrawn over \$2000 in cash from his credit union. He was sure that he must have dropped the wallet somewhere between his car and the classroom, and he requested that a couple of the students retrace that path in hopes of finding the wallet. He offered a \$200 reward to encourage them as the weather was especially nasty that day. Dr. Albanese told the ACJS conference attendees that he was painfully reminded of the ethics problem when one of his *finest* students reacted, not at all in jest, by shouting out, "I'll give your \$250!" It's worse than that though. In addition to those who are not interested in behaving ethically, we have problems with many of those who are willing but ill-equipped to meet the challenge. That is, those who are at least inclined to behave ethically are often sadly lacking in the values, ethical standards, and critical thinking skills necessary to engage in the rational thought process required. Both groups need to be presented with an understanding of the importance of making good ethical decisions so that they will be motivated to learn a process for accomplishing this goal. Ethical decision making often has to be done under stressful circumstances, and it is well accepted that when we are under stress we will respond in the way we were taught.

Sample Lesson Plan

Upon completion of this lesson the student will be able to explain why ethical decision making is required of everyone who would aspire to a productive, satisfying, and successful career in law enforcement.

The instructor might start by asking students how important they consider ethics to be to the profession as a whole and to individual officers specifically. (Caution: Be prepared for a variety of viewpoints!)

The reason for starting this way is not only to engage the students from the beginning, but to get from the students, as you almost surely will, a list of reasons why ethical behavior either isn't necessary or isn't worth it. You will use the reasons they put forth to facilitate further discussion described below. Ethical behavior can be a hard sell in a society when it appears that so many of the *bad guys* are being rewarded, or at least not punished for their wrongdoing.

Since the two topics of this sample lesson plan come at the very end of the section, students will have had good background in the vocabulary and dynamics of the topic, so the discussion should be fluid and fluent. Students

will likely have been exposed to one or more step-by-step approaches useful in dealing with actual situations to determine what the ethical course of action would be in specific cases. An easy five-step approach to ethical decision making is:

- 1) Clarify or determine what must be decided, i.e. recognize the issues;
- 2) Evaluate the options - if any of the options require any sacrifice of ethical principles they should be discarded immediately and facts and assumptions should be re-evaluated carefully;
- 3) Make a decision based on ethical principles, coming up with a plan which will maximize the benefits and minimize the costs and risks involved;
- 4) Implement the decision; and
- 5) Monitor and modify - this final step calls for being prepared and willing to change the plan if necessary, based on new information.

At this time, one or more of the responses given by students (above) could be reviewed. The point of this section is to convince students that ethical decision making is the only acceptable choice! By means of a well-facilitated discussion, students can be convinced that the ethical choice, while it often seems unacceptable or even impossible in terms of short term effects, is almost always the easiest and best for the individual officer, in terms of professional and personal integrity in the long run.

Engaging the students in discussion through use of specific hypotheticals is the recommended method of presentation. This is very sensitive material which most people don't like to be lectured on. We are trying to reinforce and refine acceptable attitudes and change unacceptable attitudes here. This is best done using a participatory approach. Most students will see the short term advantages, but not the long term pitfalls, of making less-than-ethical decisions.

The hypotheticals found in the POST *Ethics/Integrity Training Guide* are excellent vehicles for this purpose. Students should discuss the probable short-term and possible long-term results of unethical behavior in the specific examples. (This approach is suggested by instructors of this topic who report that students are more easily convinced of the dangers of unethical behavior than the advantages of ethical behavior.)

First Aid/CPR—2 Unit Course

Prepared by: Marv Engquist, Cerritos College, Norwalk, CA

Hugh Foster, Golden West College, Huntington Beach, CA

Course Description:

This basic course in emergency first aid and cardiopulmonary resuscitation emphasizes how to recognize and render assistance to the ill or injured in situations likely to be encountered by peace officers and other emergency response personnel.

This course emphasizes first aid and CPR for those ill or injured where there is an airway obstruction, respiratory arrest, cardiac arrest, severe bleeding, shock, actual or suspected fractures, head injuries, or other life threatening environmental circumstances requiring emergency response. This course, for peace officers and others involved in emergency response situations, is designed to meet California Department of Health requirements as described in the California Administrative Code, as well as State of California Peace Officer Standards and Training (P.O.S.T.) requirements in **Learning Domain #34** of the P.O.S.T. Regular Basic Course. A basic Red Cross First Aid Certificate and a Cardiopulmonary Resuscitation (CPR) Certificate will be issued upon successful completion of this course to all students.

Course Objectives:

The student shall:

- A. Develop skills and knowledge needed to provide first aid treatment and cardiopulmonary resuscitation in situations likely to be encountered by peace officers and other emergency response personnel.
- B. Recognize and identify various forms of illness and injury commonly associated with emergency situations.
- C. Grasp the manual skills and dexterity needed to reduce the loss of blood, dress wounds, splint fractures, and immobilize limbs as needed.
- D. Gain the skills and expertise needed to identify the need for, and to apply, cardiopulmonary resuscitation.
- E. Know emergency childbirth techniques for impending births, where other facilities and personnel are unavailable.
- F. Gain the knowledge and skills required to remove injured persons from hazardous locations and safely transport them to medical facilities.
- G. Learn first aid for medical emergencies, including sudden illnesses.
- H. Learn first aid for environmental emergencies including burns, heat and chemical burns, electrical emergencies, and exposure to radiation or climatic changes.

Catalog Course Description:

This course will develop student skills and knowledge needed to provide the ill or injured with first aid treatment and cardiopulmonary resuscitation in situations likely to be encountered by peace officers and other emergency response personnel. Students will be able to recognize various forms of illness and injury, develop skills for implementation of emergency life saving techniques, including emergency childbirth, demonstrate a basic understanding of emergency medical services, and demonstrate techniques for reducing the risk from infectious disease, control loss of blood, treat airway obstructions, shock, cardiac arrest, sudden illness, and respond appropriately to suspected or actual fractures, head injuries, or other environmental circumstances requiring emergency response.

Class hours: 2 lecture hours/week - 36 hours total

Units: 2 semester units

Prerequisites: None

Instructional Methodologies:

- A. Classroom lectures and instructor demonstrations of various first aid techniques utilizing proper first aid procedure
- B. Substantial opportunity for students to develop their first aid skills by practicing various first aid techniques and use of proper procedures
- C. Demonstration and practical application of CPR techniques employed by single and two person rescuers, as well as appropriate response to breathing emergencies
- D. Audio visual aids, including videotapes, with focused topics as appropriate

Student Evaluation Methods:

- A. Competency in demonstrating practical application of various techniques of first aid treatment and cardiopulmonary resuscitation
- B. Written exams
- C. Quizzes
- D. Class participation and attendance as required

In addition to the above student evaluation methods, students completing this course will be able to complete the following POST required activities using methods and techniques approved by the American National Red Cross:

- A. Recognize and identify the basic parts of human anatomy
- B. Properly open and maintain an open airway in an injured person **(PO 8.45.8; 8.45.12; 8.45.16; 8.45.17; 8.45.24; 8.45.26)**

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- C. Apply an approved form of mouth-to-mouth resuscitation **(PO 8.45.16; 8.45.17)**
- D. Administer external cardiac compression in an approved manner **(PO 8.45.17)**
- E. Apply cardiopulmonary resuscitation according to the standards established and recommended by the American Heart Association and the American National Red Cross **(PO 8.45.17)**
- F. Control severe bleeding through approved methods and techniques **(PO 8.45.7; 8.45.10; 8.45.24; 8.45.25)**
- G. Manage and care for victims of shock **(PO 8.45.6; 8.45.7; 8.45.14; 8.45.15)**
- H. Recognize and immobilize suspected and actual fractures **(PO 8.45.6; 8.45.8; 8.45.10)**
- I. Care for wounds, burns, and head injuries **(PO 8.45.7; 8.45.28)**
- J. Safety lift and move ill or injured persons **(PO 8.45.5; 8.45.6)**
- K. Care for emergency delivery of babies where regular medical personnel and facilities are unavailable **(PO 8.45.19; 8.45.20; 8.45.21)**
- L. Recognize and care for suspected and actual poisoning **(PO 8.45.11; 8.45.18)**
- M. Recognize and care for emotionally disturbed persons
- N. Extricate victims of entrapment **(PO 8.45.9)**
- O. Prepare and transport ill or injured persons **(PO 8.45.5; 8.45.6)**
- P. Recognize and provide emergency care for persons who have overdosed on drugs **(PO 8.45.11)**
- Q. Define and discuss the legal aspects of rendering emergency first aid **(PO 8.45.4; 8.45.22)**
- R. Bandage and wrap different injuries **(PO 8.45.7)**
- S. Properly evaluate an injured victim by conducting a primary and secondary survey **(PO 8.45.4; 8.45.9; 8.45.14; 8.45.18; 8.45.24; 8.14.27)**
- T. Demonstrate a basic understanding of the emergency medical services (EMS) system **(PO 8.45.4; 8.45.27)**
- U. Demonstrate techniques for reducing the risk from infectious disease **(PO 8.45.3; 8.45.23)**

P.O.S.T. Learning Domains And Training Specifications:

This course satisfies the content of Learning Domain #34 of the POST Basic Course requirements. Learning Domain #34 requires 21 hours of instruction. There are 36 hours of instruction scheduled in this semester course, which exceeds the minimum hours required by POST. The additional time can be devoted to a number of

activities and learning goals which complement the POST minimum requirements, such as obtaining additional competence and practice mastering the CPR activities required in this course.

The numbers in parenthesis () following some of the topics in the course outline refer to the Learning Domain (LD), Performance Objectives (PO), and Required Topic (RT) of instruction identified in the POST Basic Course Training Specifications.

Those topics which do not have such a number are not mandated by POST as part of the Basic Course requirements, but are considered essential to the study of this subject.

Course Outline And Student Learning Objectives:

I. COURSE ORIENTATION :3 Hours

- A. Explain course overview, goals, and objectives
- B. Explain class attendance, class participation, and grading policies
- C. Discuss class assignments, testing requirements, etc.
- D. Explain the Basic Course Transition Program
- E. Provide an overview of the emergency medical services system **(LD 34, RT K, N; PO 8.45.4 and 8.45.27)**
- F. Discuss law enforcement responsibilities as they relate to emergency first aid response **(LD 34, RT K)**
- G. Discuss legal principles of emergency care **(LD 34; RT J; PO 8.45.4 and 8.45.22)**

II. SCENE EVALUATION, EXTRICATION, AND RESCUE: 2 Hours

- A. Scene assessment
- B. Scene stabilization
- C. Considerations for moving sick or injured persons **(LD 34; RT A; PO 8.45.5, 8.45.6, and 8.45.9)**
- D. Techniques for moving sick or injured persons **(LD 34; RT A; PO 8.45.5, 8.45.6, and 8.45.9)**
- E. Assessment of victims
 - 1. Primary survey **(LD 34; RT L; PO 8.45.4, 8.45.9, 8.45.14, and 8.45.18)**
 - 2. Secondary survey **(LD 34; RT L; PO 8.45.4, 8.45.9, 8.45.14, 8.45.18, and 8.45.27)**
- F. Primary/Secondary survey exercise **(LD 34; EX D)**
- G. Appropriate first aid actions

III. TRAUMATIC INJURIES AND EMERGENCIES: 2 Hours

- A. Classification of wounds
 - 1. Open wounds
 - 2. Closed wounds
- B. Methods of controlling bleeding (**LD 34; RT O; PO 8.45.7, 8.45.10, 8.45.24, and 8.45.25**)
- C. First aid for open and closed wounds (**LD 34; RT B, F**)
- D. Bleeding control exercise (**LD 34; EX E; PO 8.45.7, 8.45.10, 8.45.24, and 8.45.25**)
- E. Bandaging techniques and equipment (**LD 34; EX B, C; PO 8.45.7**)

IV. COMMUNICABLE DISEASES: 2 Hours

- A. Overview of communicable diseases
- B. Bacteria vs. Virus
- C. Immune system
- D. Communicable diseases that public safety personnel are likely to be exposed to
- E. AIDS - History
 - 1. Chain of transmission
- F. Protective procedures and universal precautions (**LD 34; RT B,K; PO 8.45.3, and 8.45.23**)
- G. Communicable diseases - safety aspects (**LD 34; RT M**)
- H. Portable mask/airway adjuncts
 - 1. P.C. 13518
- I. Safety procedure exercise (**LD 34; EX B; PO 8.45.3, and 8.45.23**)

V. SHOCK: 1 Hour

- A. Definition and cause
- B. Signs and symptoms of shock (**LD 34; RT S; PO 8.45.6, 8.45.7, 8.45.14, and 8.45.15**)
- C. Treatment for shock (**LD 34; RT S; PO 8.45.6, 8.45.7, 8.45.14, and 8.45.15**)
- D. Exercise and demonstration of proper positioning of victim and methods of maintaining body temperature (**LD 34; EX G; PO 8.45.6, 8.45.7, 8.45.14, and 8.45.15**)

VI. FRACTURES, DISLOCATIONS, AND SPRAINS: 1 Hour

A. Definitions

1. Injuries to bone, muscle, and joints **(LD 34; RT C, D; PO 8.45.6, 8.45.8, and 8.45.10)**

B. Types of fractures

C. Specific first aid treatment

D. Practical exercise using bandages and splints

VII. SPINAL INJURIES (LD 34; RT C): 1 Hour

A. Signs and symptoms

B. Treatment

VIII. SPECIFIC INJURIES AND TREATMENT: **(LD 34; RT B, C, F; PO 8.45.7, AND 8.45.8):** 1 Hour

A. Head

1. Eyes

B. Neck

C. Extremities

D. Trunk

E. Gunshot wounds

IX. MEDICAL EMERGENCIES: 2 Hours

A. Cardiac and Respiratory **(LD 34; RT G)**

B. Seizure **(LD 34; RT F)**

C. Stroke **(LD 34; RT F)**

D. Signs and symptoms

E. First aid treatment

X. ENVIRONMENTAL EMERGENCIES **(LD 34; RT H, L):** 2 Hours

A. Burns **(LD 34; RT H1)**

B. Heat exposure

1. Heat exhaustion (**LD 34; RT H2**)
2. Heat stroke (**LD 34; RT H3**)

C. Cold exposure

1. Hypothermia (**LD 34; RT H4**)
2. Frostbite (**LD 34; RT H5**)

D. Poisoning (**LD 34; RT C, E; PO 8.45.11 and 8.45.18**)

E. Stings (**LD 34; RT Q**)

F. Bites (**LD 34; RT Q**)

G. Hazardous materials and toxic substances (**LD 34; RT E, R, & H6**)

XI. DIFFERENTIATING DRUG AND ALCOHOL INTOXICATION (**LD 34; RT E, R**): 1 Hour

A. Drug

1. Ingested
2. Injected
3. Signs and symptoms
4. First aid treatment (**LD 34; RT E; PO 8.45.11**)

B. Alcohol

1. Signs and symptoms
2. First aid treatment

XII. DIABETIC EMERGENCIES (**LD 34; RT E**): 1 Hour

A. Definitions

1. Hypoglycemia
2. Hyperglycemia

B. Signs and symptoms

C. First aid treatment

XIII. EMERGENCY CHILDBIRTH (**LD 34; RT I; PO 8.45.19, 8.45.20, and 8.45.21**): 2 Hours

A. Normal delivery

B. Signs and symptoms of imminence of delivery

- C. Stages of labor **(LD 34; RT P)**
- D. Delivery **(LD 34; RT P)**
- E. Care of newborn and post delivery treatment **(LD 34; RT P)**
- F. Abnormal delivery
 - 1. Breech
 - 2. Prolapsed cord
 - 3. Limb presentation
 - 4. Multiple births
 - 5. Bleeding
 - 6. Tight nuchal chord
 - 7. Still birth
 - 8. Shoulder dystoria
 - 9. Premature births
- G. Cultural and religious considerations

XIV. RESPIRATORY EMERGENCIES (LD 34; RT G, K; PO 8.45.8,M 8.45.12, 8.45.16, 8.45.17, 8.45.24, and 8.45.26): 1 Hour

- A. Obstructed airway
 - 1. Complete and partial
 - a. Unconscious
- B. Adult, Child, and Infant
- C. Rescue breathing

XV. OBSTRUCTED AIRWAY RESCUE BREATHING EXERCISES (LD 34; RT N): 1 Hour

XVI. CARDIOPULMONARY RESUSCITATION (LD 34; RT G): 2 Hours

- A. Anatomy and physiology
- B. Cardiovascular system
- C. Circulatory system

XVII. SINGLE RESCUER TECHNIQUE (LD 34; EX F): 2 Hours

- A. Adult victim
- B. Child victim
- C. Infant victim

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D. Contraindication of CPR/Termination of CPR

XVIII. SINGLE RESCUER TECHNIQUE EXERCISE (**LD 34; EX F**): 2 Hours

A. Adult victim

B. Child victim

C. Infant victim

XIX. TWO RESCUER TECHNIQUE (**LD 34; EX F**): 2 Hours

A. Adult victim

B. Child victim

C. Contraindication of CPR/Termination of CPR

XX. TWO RESCUER TECHNIQUE EXERCISE: (**LD 34; EX F**) 2 Hours

XXI. LD 34 POSTRAC EXAMINATION: 1 Hour

XXII. REVIEW OF COURSE OBJECTIVES AND FINAL EXAM 2 Hours

Texts and References:

A. First Aid - Responding to Emergencies, American National Red Cross

B. Basic Life Support, American National Red Cross

C. Standard First Aid and Personal Safety, American National Red Cross

First Aid/CPR—3 Unit Course

Prepared by: Hugh Foster, Golden West College, Huntington Beach, CA

Units: 3

Course Objectives

The student will develop the knowledge and skills to respond to medical emergencies as a public safety law enforcement officer **POST LD34**. The student will learn to evaluate emergency medical incidents and administer First Aid/CPR as described in Title 22 of the California Administrative Code, Chapter 1.5, First Aid/CPR Standards for Public Safety Personnel.

The student will learn:

1. Orientation to the Emergency Medical System
2. Peace Officer Duties and Responsibilities at the Scene of a Medical Emergency
3. Legal Principles of Emergency Care
4. Communicable Diseases
5. Techniques of Primary and Secondary Survey
6. Factors and Techniques for Moving an Injured Person
7. First Aid for Open Wounds
8. First Aid for Shock
9. Bandaging Techniques and Equipment
10. First Aid for Specific Injuries
11. First Aid for Bone and Joint Injuries
12. Medical Emergencies Related to Substance Abuse
13. Recognition and First Aid for Head Injuries
14. Recognition and First Aid for Diabetic Emergencies
15. First Aid for Seizures and Strokes
16. First Aid for Cardiac and Respiratory Emergencies
17. First Aid for Environmental Emergencies
18. Stages of Labor, Childbirth and Post-Delivery Treatment
19. Childbirth Emergencies
20. Standards for CPR and Emergency Cardiac Care

Course Scope and Content

Week 1

3 Hours

- I. Introduction
 - a. Course overview, goals and objectives
 - b. Attendance and class participation
 - c. Course requirements
 - d. Grading procedures, testing requirements
 - e. Overview of emergency medical services system
- II. Law enforcement responsibilities (**LD 34K**)
- III. Legal principles of emergency care (**LD 34J**)

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Week 2

3 Hours

- I. Scene Evaluation/Extrication/Rescue
 - a. Scene assessment
 - b. Scene stabilization
- I. Considerations for moving sick or injured persons (**LD 34A**)
- II. Techniques for moving sick or injured persons (**LD 34A**)
- III. Primary survey (**LD 34L**)
- IV. Secondary survey (**LD 34L**)
- V. Primary/Secondary survey exercise (**EX 34D**)

Week 3

3 Hours

- I. Traumatic Injuries/Emergencies
- II. Classifications of Wounds
 - a. Open wounds
 - 1. Abrasion
 - 2. Puncture wounds
 - 3. Laceration
 - 4. Incision
 - 5. Avulsion
 - 6. Amputation
 - b. Closed wounds
 - 1. Contusions
 - 2. Hematoma
 - 3. Blunt Body Trauma
- III. Method of controlling bleeding (**LD 34O**)
 - a. Elevation
 - b. Pressure bandage
 - c. Pressure points
 - d. Tourniquet
- IV. First aid for open and closed wounds (**LD 34B**)
- V. Bleeding control exercise (**EX 34E**)
- VI. Bandaging exercise (**EX 34C**)

Week 4

3 Hours

- I. Overview of Communicable Diseases
 - a. Medical aspects
 - b. Bacterial versus virus
 - c. Immune system
 - d. H.I.V.
 - e. AIDS
 - f. Chain of transmission
 - g. Protective procedures/universal precautions
 - h. Communicable disease - safety aspects (**LD 34M**)
 - i. Portable mask/airway adjuncts
 - j. Safety procedure exercise-removal of gloves, handling of sharps (**EX 34B**)

Week 5

3 Hours

- I. Shock
 - a. Definition/Cause

- b. Signs and symptoms of shock (**LD 34S**)
- c. Treatment for shock (**LD 34S**)
- d. Exercise - demonstration of proper positioning of victim, methods of maintaining body temperature (**EX 34G**)
- II. Fracture, Dislocations, Sprains (**LD 34D**)
 - a. Definitions
 - b. Types of fractures
 - c. Specific first aid treatment

Week 6

3 Hours

- I. Spinal Injuries (**LD 34C**)
 - a. Signs and symptoms
 - b. Treatment
- II. Specific Injuries and Treatment (**LD 34C**)
 - a. Head/Eyes
 - b. Neck
 - c. Extremities
 - d. Trunk
 - e. Gun Shot
 - f. Bone
 - g. Muscle
 - h. Joint

Week 7

3 Hours

- I. Medical Emergencies
- II. Cardiac and respiratory (**LD 34G**)
 - a. Signs and symptoms, specific
 - b. First aid treatment
- III. Seizure (**LD 34F**)
 - a. Signs and symptoms, specific
 - b. First aid treatment
- IV. Stroke (**LD 34F**)
 - a. Signs and symptoms, specific
 - b. First aid treatment

Week 8

3 Hours

- I. Environmental emergencies
- II. Burns (**LD 34HI**)
- III. Heat exposure
 - a. Heat exhaustion (**LD 34H2**)
 - b. Heat stroke (**LD 34H3**)
- IV. Cold exposure
 - a. Hypothermia (**LD 34H4**)
 - b. Frostbite (**LD 34H5**)
- V. Poisoning
- VI. Stings (**LD 34Q**)
- VII. Bites (**LD 34Q**)
- VIII. Hazardous materials (**LD 34H6**)

Week 9

3 Hours

- I. Differentiating Drug and Alcohol Intoxication (**LD 34R**)
 - a. Drug
 - 1. Ingested
 - 2. Injected
 - 3. Signs and symptoms
 - 4. First aid treatment
 - b. Alcohol
 - 1. Signs and symptoms
 - 2. First aid treatment
- II. Diabetic Emergencies (**LD 34E**)
 - a. Definitions
 - 1. Hypoglycemia
 - 2. Hyperglycemia
 - b. Signs and symptoms
 - c. First aid treatment

Week 10

3 Hours

- I. Emergency Childbirth (**LD 34I**)
 - a. Normal delivery
 - b. Signs and symptoms (imminence of delivery)
 - c. Stages of labor (**LD 34P**)
 - d. Delivery (**LD 34P**)
 - e. Care of newborn and post delivery treatment (**LD 34P**)
 - f. Abnormal delivery
 - 1. Breech
 - 2. Prolapsed cord
 - 3. Limb presentation
 - 4. Multiple births
 - 5. Bleeding
 - 6. Tight nuchal chord
 - 7. Still birth
 - 8. Shoulder dystoria
 - 9. Premature birth
 - g. Cultural/religious considerations

Week 11

3 Hours

- I. Respiratory Emergencies (**LD 34G**)
 - a. Obstructed airways - complete and partial (**LD 34N**)
 - 1. Conscious (Adult, child, infant)
 - 2. Unconscious (Adult, child, infant)
 - b. Rescue breathing (Adult, child, infant)

Week 12

3 Hours

- I. Obstructed airway, rescue breathing exercise (**EX 34F**)

Law Enforcement

Week 13	3 Hours
I. Cardio-Pulmonary Resuscitation (LD 34G)	
a. Anatomy and Physiology	
b. Cardio vascular system	
c. Circulatory system	
Week 14	3 Hours
I. Single Rescuer Technique (LD 34G)	
a. Adult victim	
b. Child victim	
c. Infant victim	
d. Contraindication of CPR/Termination of CPR	
Week 15	3 Hours
I. Single Rescuer Technique Exercise (EX 34F)	
a. Adult	
b. Child	
c. Infant	
Week 16	3 Hours
I. Two Rescuer Technique (LD 34G)	
a. Adult	
b. Child	
c. Contraindications of CPR/Termination of CPR	
Week 17	3 Hours
I. Two Rescuer Technique Exercise (EX 34F)	
a. Adult	
b. Child	
Week 18	3 Hours
I. Final Examination	
II. POST LD #34 Postrac Examination	

Emergency Care For First Responders

Prepared by: Linda Anderson and Pete Hardy, Santa Rosa Junior College, Santa Rosa, CA

Outcomes And Objectives

The students will:

1. Discuss the role of the First Responder in the EMS system.
2. List the components of the EMS system.
3. Discuss at least 5 medical legal aspects of emergency care.
4. Describe 5 vital signs and demonstrate ability to assess and record.
5. Describe at least 4 elements of a patient assessment and demonstrate skill of total body exam.
6. List the function and safety features of 4 types of oxygen therapy equipment.
7. Demonstrate ability to use 5 types of oxygen therapy equipment.
8. Describe and demonstrate use of 4 airway adjuncts.
9. List at least 5 basic components of respiratory anatomy and physiology.
10. List at least 5 respiratory emergencies and their treatment.
11. List at least 5 basic components of cardiac anatomy and physiology.
12. List at least 2 cardiac emergencies and their treatment.
13. List 7 types of shock.
14. Describe treatment of patients in shock.
15. Demonstrate 4 methods of controlling bleeding.
16. Identify major bones of the body.
17. Describe at least 4 musculo-skeletal injuries and treatment.
18. Identify transmission route of 2 infectious diseases.
19. Identify at least 2 signs and symptoms of behavioral emergencies.
20. Identify 4 routes of poisoning.
21. Describe the pathophysiology of at least 3 medical emergencies which alter the level of consciousness.
22. Demonstrate the assessment of an unconscious patient.
23. List the signs and symptoms of at least 6 major trauma injuries.
24. Demonstrate assessment and treatment of 6 major trauma injuries.

Content—Topics, Scope And Sequence

1. Overview
 - A. EMS Systems
 1. Role of law enforcement—**LD 34 II-K**
 - B. Legal Aspects—**LD 34 II-J**
2. Patient Assessment—**LD 34 II-L**
 - A. Vital Signs —**LD 34 III-D**
 - B. LOC—**LD 34 III-D**
 - C. Exam—**LD 34 III-D**
3. Oxygen Therapy—**LD 34 III-F**
 - A. Airway Management
 - B. Airway Adjuncts
4. Respiratory System—**LD 34 II-G**

- A. Anatomy
- B. Disease and Treatment—**LD 34 II-M**
- C. Choking Victim Treatment—**LD 34 II-N**

- 5. Cardiac System—**LD 34 II-G**
 - A. Anatomy
 - B. Disease and Treatment
 - C. CPR—**LD 34 III-F**

- 6. Circulatory System
 - A. Shock—**LD 34 II-S**
 - 1. Recognition and Treatment—**LD 34 II-G**
 - B. Control of Bleeding —**LD 34 II-B**
 - 1. Bandaging Techniques—**LD 34 II-O**
 - 2. Bandaging Exercise—**LD 34 III-C**
 - 3. Bleeding Control Exercise—**LD 34 III-E**

- 7. Skeletal System
 - A. Anatomy
 - B. Injury and Treatment—**LD 34 II-D**
 - C. Splinting and Immobilization—**LD 34 II-D**

- 8. Trauma —**LD 34 II-A**
 - A. Abdominal—**LD 34 II-C**
 - B. Head—**LD 34 II-C**
 - C. Chest—**LD 34 II-C**
 - D. Triage—**LD 34 III-C**

- 9. Altered Level of Consciousness—**LD 34 II-L**
 - A. Diabetes
 - 1. Diabetic Emergencies—**LD 34 II-E**
 - B. Stroke—**LD 34 II-F**
 - 1. Treatment
 - C. Seizures—**LD 34 II-F**

- 10. Behavioral Emergencies
 - A. Psychological
 - B. Overdose, Drug and Alcohol—**LD 34 II-R**

- 11. Environmental Emergencies—**LD 34 II-H**
 - A. Burns
 - 1. Classification
 - 2. Treatment
 - B. Heat Exhaustion
 - C. Heatstroke
 - D. Cold
 - 1. Hypothermia
 - 2. Frostbite
 - E. Exposure to Toxic Substances

F. Bites and Stings—**LD 34 II-Q**

1. Treatment

12. OB/GYN—**LD 34 II-I**

A. Childbirth Emergencies—**LD 34 II-I**

1. Stages of Labor—**LD 34 II-P**

2. Childbirth—**LD 34 II-P**

3. Post-Delivery—**LD 34 II-P**

13. Communicable Diseases

A. Prevention Techniques—**LD 34 II-M**

B. Exposure Reduction—**LD 34 III-B**

14. Written Exam—**LD 34 III-A**

CHAPTER 3

RECOMMENDATIONS AND CONCLUSION

Law Enforcement education is provided at the academy, the community college, and the four-year college levels, so it is essential that divisions of responsibility be clearly delineated in order to avoid the duplication and fragmentation that threaten any service offered by more than one provider. During the course of this project, community college faculty have worked with staff from academies, hiring agencies, four-year colleges, professional organizations, and the Commission on Peace Officer Standards and Training to establish and implement guidelines to address those issues. To further those efforts, the Law Enforcement Subcommittee of the 1994 - 1996 Public Safety Curriculum and Professional Development Project offers the following recommendations:

- continue the collaboration between the California community colleges, Law Enforcement academies, hiring agencies, four-year colleges, the California Association of Administration of Justice Educators (CAAJE), the California Academy Directors Association (CADA), and the Commission on Peace Officer Standards and Training (POST) to promote the development and updating of Law Enforcement curriculum materials
- establish a rotational pattern on a three-year cycle that will ensure the updating of all classes
- establish standards for each class to ensure that it will only be taught by those faculty members with the applied experience necessary to teach that subject matter
- encourage ongoing classroom and field training for Law Enforcement faculty to keep them updated on new procedures, policies, and technologies
- utilize videoconferencing, e-mail, and the CAAJE Internet web page and chatroom to provide for the participation of Law Enforcement professionals throughout California in ongoing discussions about education in the field of Law Enforcement
- develop pilot projects to attract pre-service candidates to Law Enforcement careers
- collaborate with high school Tech Prep programs to encourage students to pursue careers in the field of Law Enforcement
- develop Code Enforcement and Security courses for students who do not pursue other careers in Public Safety

Law Enforcement educators throughout California are pursuing these objectives through their active participation in professional organizations such as CAAJE and CADA. In addition, representatives sit on the Statewide Advisory Committee for Public Safety Education where members representing all areas of Public Safety work together to promote and refine education within their disciplines. The realization of the eight recommendations listed above would substantially add to their efforts to provide the recency, standardization, and relevancy that are crucial to preparing students for careers in the field of Law Enforcement.

APPENDIX A

STEERING COMMITTEE MEMBERS

STEERING COMMITTEE MEMBERS

Project Staff

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Frank Patino, Rio Hondo College - Southern California Coordinator

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Fire Technology - Bill Lane - Past-President, California Fire Technology Directors Association - Allan Hancock College (retired)

Law Enforcement - Fred Allen - Dean of Instruction, Butte College/Project Coordinator, Statewide Advisory Committee for Public Safety Education

Members

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Jim Pope - Representative, California State Sheriff's Association - Shasta County Sheriff's Department

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APPENDIX B

**LIST OF STATEWIDE ADVISORY COMMITTEE
FOR PUBLIC SAFETY EDUCATION MEMBERS**

**STATEWIDE ADVISORY COMMITTEE FOR
PUBLIC SAFETY EDUCATION**

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Chancellor's Office Representative: Leo Ruelas, Specialist in Public Safety Education

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Oliver Thompson	Chief of Police	Inglewood Police Department
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Education Representatives

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Representative: Four-year Colleges		
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APPENDIX C

CURRICULUM DEVELOPERS AND CONTRIBUTING REVIEWERS

CURRICULUM DEVELOPERS AND CONTRIBUTING REVIEWERS

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